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EDITORIAL COMMENT

"For a republic, as far as I can see, is not free but serves itself, and is oppressed with the greater servitude and solicitude, the better it is administered. For it is necessary that all be vigilant for the public good. The result is that no one can ever have any solid quiet and tranquillity, if he sets out to be a good citizen." (From the Unpublished Treatise of Lippus Brandolinus De Comparatione Reipublicae et Regni.—Prof. Lynn Thorndyke in *Political Science Quarterly*.)

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We extend our congratulations to the *Calcutta Municipal Gazette* upon its second birthday and entrance upon its third year of successful publication. The *Gazette* is published by the Municipal Corporation of Calcutta as organized under the Calcutta Municipal Act passed in 1923 by the Bengal legislative council. A special anniversary number contains a variety of articles upon progress in municipal government in Calcutta.

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The Rochester, N. Y., home rule, city manager charter has been in general sustained by Supreme Court Justice Robert F. Thompson in an opinion filed last month. The provision for the non-partisan election of the city council was, however, overthrown. The justice held that this feature was in contravention of the general election law of the state, and was, therefore, without the field over which the city may exercise control.

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Alameda County, Calif., has availed itself of the home rule power granted by the state constitution by drafting and adopting a county charter. The charter provides for a board of supervisors of five members and an elected auditor, assessor, district attorney, sheriff, superintendent of schools and treasurer. A long list of officials appointed by the supervisors includes a board of education, coroner, county clerk, probation officer, purchasing agent, public administrator, public defender and a civil service commission.

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Political Meddling with Police and Fire Services

Authorities on police and fire administration are generally opposed to charter provisions which give to civil service commissions a share in the administration of these services. Their position is that the control of the departments by the responsible heads is interfered with, if not practically destroyed, by the participation of the civil service commission in discipline, dismissals and promotions.

Recent evidence collected by the

Cleveland Citizens' League seems to establish the soundness of this position. Under the Cleveland charter, dismissed or demoted policemen or firemen may appeal to the civil service commission. The framers of the charter seem to have contemplated that the civil service commission would serve as a check only upon unjust dismissals and demotions. The possibility that the commission would be more political-minded than the responsible heads of these services does not seem to have entered their minds.

Yet, according to the Citizens' League, the civil service commission "during the past three years has repeatedly restored admitted violators of the state law, city ordinances and departmental rules, to their positions, even when the evidence of their guilt was clear and beyond question." During the year 1925, the civil service commission sustained the director of public safety in only 38 per cent of the appeals. Obviously, under such circumstances, no sensible person can hold the director of public safety strictly accountable for the morale of the police and fire-fighting forces.

The Cleveland situation should be considered as another call to a reëxamination of the proper relationship of a civil service commission to the operating heads of departments. Much of the progress in municipal administration in recent years has been due to the adoption of the short ballot principle, an important element of which is unequivocal concentration of responsibility in department heads. To allow any outside agency to share in control defeats the short ballot idea.

The revised model charter of the National Municipal League, now going to press, permits appeal to the civil service commission by discharged employees, but the decision of the commission is advisory only. The commission cannot defeat the action of the city manager or the appropriate department head. This, indeed, seems as far as any civil service commission should be allowed to go.

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Unsound Pension Systems

In contrast with Baltimore's new and sound pension system (described by George B. Buck in the REVIEW for last August), stands that of Philadelphia. According to a report of the Philadelphia Bureau of Municipal Research, the Quaker City's scheme is operated on a "cash" basis; *i.e.*, such essentials as actuarial calculation, accrued liabilities, and reserves do not receive any consideration whatever. At the close of 1925 the pension fund assets totaled only $439,413, whereas liability for deposits withdrawable by employees upon separation from the service aggregated $1,570,910. Disregarding accrued liability for pensions, the deficit in the fund, therefore, amounted to $1,131,500.

The city's failure to maintain a practical and honest pension system is nothing less than a breach of faith with employees. Sooner or later Philadelphia will be compelled to take drastic steps, and the expense will be heavier the longer a thoroughgoing reform is postponed.

But some other cities are no better off than Philadelphia, and in no case is a stitch in time more profitable than with respect to defective pension systems. Of this truth the past experience of fraternal insurance is proof sufficient.

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Wisconsin Begins Attack on Administration Boards

An interim committee of the Wisconsin legislature, of which Senator Max W. Heck is chairman, has submitted to that body an interesting report on state administra-

tion and taxation. It appears from this report that the political leaders of the state are getting away from what Charles McCarthy called the "Wisconsin Idea." While the committee does not recommend a complete reorganization of the administrative system, it proposes several very important changes. It recommends that practically all ex-officio boards, of which there are more than a score, be abolished. Among these boards is the state board of public affairs, one of the most powerful bodies in the state and the veritable keystone of the arch of board government in Wisconsin. It is to be completely reconstituted along the lines of the commission on administration and finance of Massachusetts. Some thirty statutory departments, boards, and committees are to be abolished and their functions consolidated in two new departments or with existing agencies.

At the head of the reorganized board of public affairs is to be a board of three members, one appointed by the governor, one by the senate, and one by the assembly for terms of six years. This board is to prepare the state budget, control the allotment of state funds, purchase all supplies for state departments and institutions, control state printing, administer the civil service law (the civil service commission is abolished), designate state depositories, prescribe accounting forms and methods for all state agencies, and have the care and custody of the state capitol.

Another recommendation of the committee is for the creation of a state board of education, consisting of three full-time members, the superintendent of public instruction and two members appointed by the governor. This board is to exercise supervision over all educational institutions and activities of the state, replacing the board of regents of the University and the normal and other school boards. The recent over-expansion of the normal schools is criticized and it is proposed to limit this work immediately.

It is further proposed by constitutional amendment that the terms of the elective officials, the governor, lieutenant governor, secretary of state, state treasurer, and attorney-general, be extended to four years, and that they be elected at the time of the presidential election.

Numerous recommendations are made for the revision of the state tax system. These relate to the income tax, the inheritance tax, the motor vehicle tax, bank tax, and general property tax. One of particular interest is the proposal to amend the constitution to authorize the taxation of forest lands on a different basis from other property.

A. E. B.

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Who Should Get the Water Power?

A bitter struggle is now going on in New York to determine who shall control the water power of the state. It is of the utmost significance to all localities which now enjoy or hope to enjoy the benefits of hydro-electric power, and readers should turn to the Public Utilities Department of this issue and read Dr. Bauer's clear exposition of the issues at stake.

The contest is between those who favor the license policy introduced by Governor Miller and those who back Governor Smith's public ownership plan. New York state contains more than 10 per cent of the potential water power of the country, and half of her share is in huge projects at Niagara and in the St. Lawrence River. The latter alone can, at little capital cost, make available 2,500,000 horse power, half of which will belong to Canada.

The license policy involves a fifty-

year lease of the state's power resources to private interests which would be subject to control by the public service commission. Opponents argue that this proposal does not clearly define the bases of rate regulation, amortization and service, and that it would be subject to all the uncertainties and frailties of present public utility regulation.

On the other hand, Governor Smith proposes a state-owned corporation, a "Water Power Authority," similar to the Port Authority of New York, with complete control over issuance of bonds, construction and operation of properties, and generation and transmission of power. The state would thus directly determine rates, and the danger that the 50-year license would develop into a perpetual franchise, amounting to outright alienation by the state of its rights in water power, would, in the minds of Governor Smith and his friends, be averted.

Impartial opinion seems to be that the form of lease at present proposed is loosely drawn in the interest of private capital rather than of the public at large. The recapture provisions, as well as the terms of regulation, appear vague and of doubtful value to the state. If the license policy is adopted, the licenses should be more carefully drafted with more definite provisions in the public interest. Opponents, however, question whether any license system can be framed which will adequately take care of the public interest throughout future years.

Dr. Bauer believes that the costs of public and private development will be about the same, with a margin of advantage in interest rates favoring public development. However, the important thing is that the state take care not to divest itself of valuable interests even if it can recapture them in fifty years. We should be mindful of early experiences with street railway franchises. Governor Smith has flashed the yellow light, "Proceed with Caution," and in doing so merits the gratitude of the people.

The Democratic governor and the Republican legislature are widely apart in their power programs, and the net product of the present session will probably be the creation of a commission for further study.

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Both New Jersey and New York will witness stirring campaigns this autumn upon the adoption of constitutional amendments providing four-year terms for the governor with election in the presidential year. The Democratic parties of both states seem able to elect governors with a frequency extremely annoying to their Republican opponents, who are generally in control of the legislature. The amendments are frankly in aid of the Republican organizations who wish to capitalize the party enthusiasm at presidential elections. Governor Smith and Governor Moore will actively campaign against them.

CONTROLLING AN INCREASING ACCIDENT TOLL

BY HENRY BRUÉRE

Third Vice President, Metropolitan Life Insurance Co.

Educational campaign, following an engineering traffic survey, brings results in Albany. :: :: :: :: :: :: :: ::

Six months of organized educational community effort in safety in Albany, N. Y., during the latter half of 1926, have reduced accidental deaths 28 per cent as compared with the record during the same period of last year. Industrial, public and home fatalities have all been cut in numbers, the latter type showing a remarkable drop, only two deaths having been reported during this period as against seven in 1925.

As a group, children under fifteen years of age have benefited most by the safety program that has been instituted —an anticipated result, since experience in other cities has shown that children are generally first to respond to an educational movement of a scope and influence that will compel their attention and arouse their interest. Whereas four school children met accidental death in the city during the six months prior to the inauguration of the safety program, none have been killed subsequently. Non-fatal traffic accidents to children have also been reduced 33⅓ per cent since the incorporation of safety instruction in the public school curricula.

The above statement should serve as conclusive evidence to the sceptic that safety may become a fact rather than a theory in any well-ordered community today, notwithstanding the increasing complexities of life, the rapidly multiplying hazards to life and limb encountered at work, upon the street or in the home, and the constant speeding up of transportation and industry.

REMEDIAL MEASURES MUST INCLUDE EDUCATION

Accidents cannot be stopped solely by stricter law enforcement, by mechanical protective devices, by heavier court sentences imposed by enlightened judges, or by compulsory measures alone. Ignorance, faulty habits or careless actions are largely at the root of the evil. Remedial measures, if effective, must be of an educational nature; must encourage each individual citizen to assume a different attitude regarding his responsibilities of citizenship and must encourage him to adopt habits suitable to the complex, hazardous environment of today. Certain controls must be developed in the individual, his coöperation secured and an interest in his own safety, as well as that of his fellow citizens, aroused.

Early in 1926 the Metropolitan Life Insurance Company, together with the New York State Conference of Mayors and Other Municipal Officials, undertook to conduct a demonstration in some city in New York to determine the most practical way a city could study and remedy its traffic problem and organize for the prevention of public accidents. The city of Albany was selected. Under the leadership of Mayor Thacher and his administration, a pioneer traffic control program, coupled with educational accident prevention effort, was determined upon and the coöperation of local civic organizations obtained.

ALBANY TRAFFIC SURVEY

The first step in the demonstration consisted of an exhaustive engineering study of traffic congestion and its causes, the movement of traffic and methods of traffic control then in effect. The findings of this survey, conducted by a traffic commission appointed by the mayor, emphasized the importance of several radical revisions of traffic control measures. Provisions for each measure were carefully determined upon and submitted to the mayor. The majority of these recommendations have subsequently been adopted by the common council and enacted into law. They have also been published by the Metropolitan Life Insurance Company in a printed report, entitled "The Traffic Problem" and made available to other communities as a guide to similar activities.

To insure effective results from these engineering revisions in terms of both traffic acceleration and accident prevention, to stamp them with public approval and to propagate the safety idea and reach the public at large with the safety message, the traffic commission early recognized as the paramount need of the demonstration a community-wide educational safety program, to impress upon all citizens the seriousness of increasing hazards to life and limb and to encourage all to adopt and follow habits of safety in their daily lives.

To accomplish this end Mayor Thacher invited the leading civic, service and commercial organizations, the press and school authorities, to appoint representatives to serve on the Albany Central Safety Committee, the clearing house for information and the directing agency for the safety campaign. Each organization thus represented, as its contribution to the work, undertook a specific portion of a well-defined, sensible program of education, which experience in other cities had proved to be effective.

ALBANY BECOMING "SAFETYIZED"

Every proven means of publicity is being utilized to drive home the safety message. Large safety posters with striking slogans, changed monthly, are displayed at street intersections, in street cars, in buses and in public buildings. The reading public has been reached by the press, which as its contribution used its columns to carry safety editorials, photographs, illustrated talks on home and public accident hazards and news items. Organization meetings feature the work; outdoor motion pictures on safety have been shown; safety has been taught on the playgrounds during the summer and the women's organizations have stimulated parents' coöperation.

The public schools have devised and put into operation a plan incorporating safety instruction in the regular classroom subjects, have appointed "Safety Patrols" and organized safety clubs among the children, thus giving accident prevention the place that it deserves as an important objective in the education of a child. In addition, a Safe Drivers' Club has been organized among motorists to spread a spirit of careful and courteous driving throughout the city.

Albany is certainly benefiting. Accidental fatalities are being reduced, fewer children killed or crippled, and suffering, sorrow and poverty are being prevented. The city is becoming a happier, better, safer place in which to work and live, ample reward for the effort expended. The campaign's slogan, "Make Albany the Safest City in the World," is on the way toward accomplishment.

CANBERRA, A FEDERAL CAPITAL PLANNED FROM THE GROUND UP

BY HARLAND BARTHOLOMEW

St. Louis

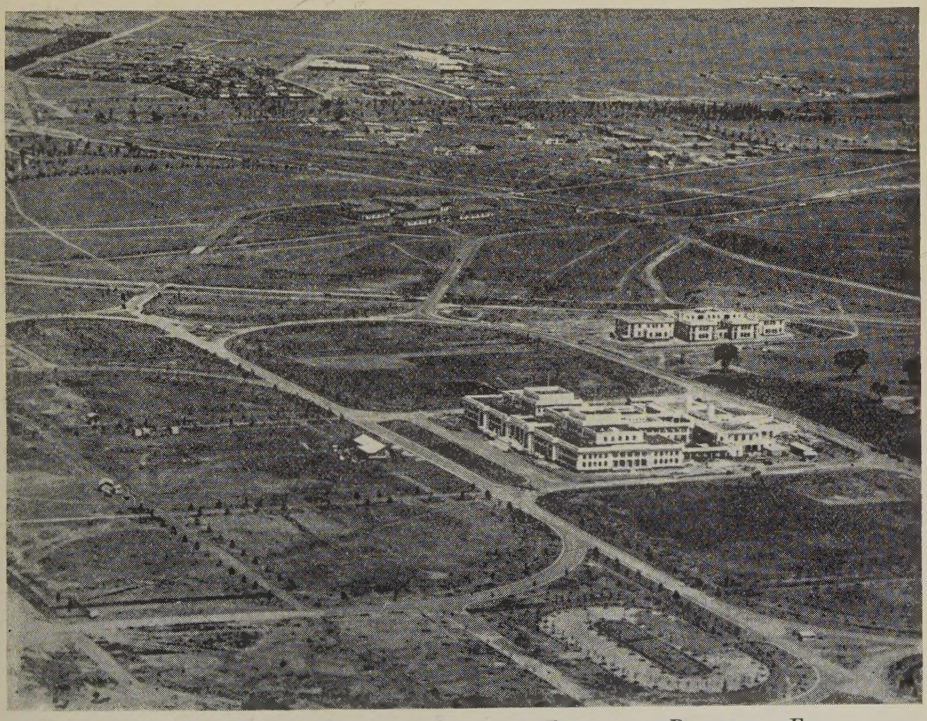
A review of the final report of the Advisory Committee on the construction of Canberra, the new Federal Capital of Australia.

It is a long step from the planning of a new city to the finished construction thereof—if ever any city can truly be said to be finished. To the student of city planning interested in the execution of city planning works as distinguished from the preparation of paper plans, this report indeed reads like a romance.

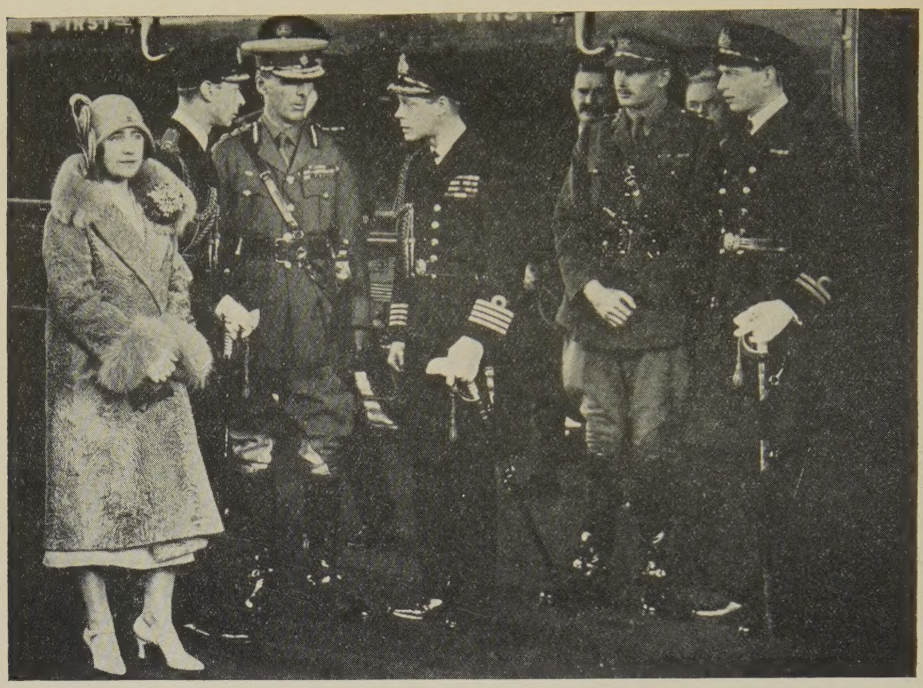
THE PRIZE-WINNING PLAN

Readers will remember Walter Burleigh Griffin's prize-winning plan for a Federal Capital for Australia in 1912. Following the acceptance of that plan, certain work was undertaken, but the intervention of the war, changing ministries, and difficulties in dealing with a cumbersome legislative body, coupled with certain opposition to the entire undertaking, caused one to wonder whether any great plan could ever have been brought to any satisfactory stage of completion.

Recognizing these vicissitudes the



Canberra—The New Federal Capital of Australia; Parliament Building in Foreground



DUKE AND DUCHESS OF YORK SAIL TO DEDICATE PARLIAMENT BUILDING AT CANBERRA

Scene on H. M. S. *Renown*. The Prince of Wales, with Prince Henry (left) and Prince George, bids his brother and sister-in-law bon voyage

Australian Parliament appointed in 1920 an advisory committee of five—engineers, architects and town planners—to inquire into and to advise upon the status of the city plan, and to formulate a program for extensive construction of public works including administration buildings to which the parliament and government might remove. The wisdom of the appointment of this committee, the immensity of detail work involved, the care with which decisions of importance were made to meet existing conditions without sacrifice of the original plan, augurs well for the future of this capital city and is indeed a tribute to the professional abilities and professional standards of the engineers, architects and town planners of Australia.

This report is the final statement of the advisory committee. Canberra is now provided with a commission of three members in whose hands rests responsibility for the administration and further construction of the Federal Capital. It is to be hoped that the vision of the successive members of this commission will equal that of the Federal Capital Advisory Committee.

TO BEGIN AS A GARDEN CITY

The report is replete with facts and figures as to construction costs but its especial value lies in its discussion of the numerous inquiries made and decisions arrived at during the four years' progress in what might be termed the active construction period.

Canberra is by no means completed at this time. An early decision of the committee was a recognition of the fact that Canberra would ultimately reach a stage of growth of such propor-

tions that all public works need not be created at this time in conformity to the ultimate size and scale of the city. It was wisely decided to make of the early city therefore more of the garden city type of development in the first instance.

Temporary buildings were decided upon for the seat of the government and at a temporary location. On the other hand, certain important physical works, such as the railroad, were placed in their permanent location according to the city plan.

The report deals primarily with the principal works developed by the committee in its four years' tenure of office; discusses at length such matters as water supply, sewerage treatment works, roads, bridges, electric supply, drainage, initial industries essential to the development of the city, such as brick yards, city railway, public buildings, schools, housing, hotels, recreational facilities, war memorial, tree planting and afforestation, temporary accommodations for workmen, financial arrangements, zoning, civic center, land policy, population, and numerous special questions.

There is an appendix giving estimates of construction cost by years, and a list of works completed during the term of office of the advisory committee.

Just one item of interest is that 1,162,942 trees have been planted at a cost of £20,406.

Following the filing of the report the committee was discharged with the thanks of the government and this report was printed, copies of which may be obtained from H. J. Green, Government Printer for the State of Victoria, Commonwealth of Australia.

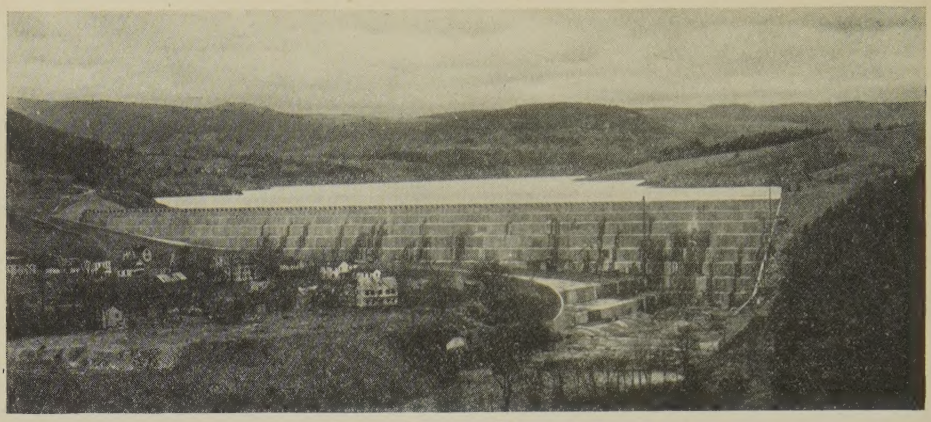
HAS THE CATSKILL WATER SUPPLY SYSTEM OF THE CITY OF NEW YORK FULFILLED EXPECTATIONS?

BY WILLIAM W. BRUSH

Acting Chief Engineer, Bureau of Water Supply, City of New York

Last autumn, during the campaign for the mayoralty, a New York city paper charged that the low level of the Ashokan reservoir was due to a large leak which had developed. Popular attention at once turned to the adequacy of the city's water supply. The truth is that the Catskill supply has fulfilled expectations, but within eight years new sources will be needed. :: :: :: :: :: :: ::

DURING the past summer and fall the publicity given to the low level of the main storage reservoir of the Catskill system, the Ashokan reservoir, and to the appeals of the New York city water department to reduce waste and lavish use of water to avoid a possible shortage in the supply, has directed public attention to the question of the adequacy of the water supply available for the city. When this presentation of the water supply situation was followed by the publication of a front page news item with scare headlines by a well-known New York city daily paper alleging that the reason for the low level of the Ashokan reservoir was a large leak from that



GILBOA DAM AND RESERVOIR

In November, 1926, the water rose 54 feet in one day, and in about a week's time an empty reservoir was changed to one within 5 feet of the overflow—a rise of 71 feet

reservoir, the public began to question the reliability of the Catskill system.

This story of a serious leak from the Ashokan reservoir has such news value that it was repeated in newspapers in all parts of the country. An impression was thus created in the minds of many persons that the New York city Catskill system which had been heralded as a monumental engineering achievement was at least a partial failure. While the reported leak from the Ashokan reservoir did not exist and while the Catskill system has more than met the expectations and estimates of its advocates and designers, it is desirable to submit facts that prove this assertion and try to counteract the erroneous impression caused by the article alleging a leak from the Ashokan reservoir.

Let us, therefore, as briefly as may be consistent with clearness, consider this question of New York city's Catskill water supply system and its other systems and the needs of the city for the future.

ORIGINAL PLANS AND ESTIMATES FOR THE CATSKILL SYSTEM

After preliminary investigations and reports (the more important being the John R. Freeman report to the comptroller in 1900, the Merchants' Association report of 1900 and the Burr Hering Freeman Commission's report to commissioner of water supply, Robert Grier Monroe, in 1903), the board of water supply was created in 1905 to plan and construct the necessary reservoirs and aqueducts for an additional water supply for New York city. The commissioners of the board appointed J. Waldo Smith as its chief engineer, and under his skillful guidance and direction the Catskill works were planned and successfully completed, sufficiently to deliver water to the city early in 1917.

The report which was submitted by Chief Engineer Smith, to the commissioners of the board of water supply, under date of October 7, 1905, provided for the following:

1. A minimum supply of 500 million gallons daily to be secured from the Catskill Mountains using the watersheds of the Esopus, Rondout, Schoharie, and Catskill creeks as sources of supply.

2. An aqueduct of at least 500 million gallons daily capacity to deliver this water to the New York city line.

3. Distribution of the water to the various parts of the city by a pipe and tunnel system to be later worked out in detail.

In regard to the length of time that the new supply would suffice to meet the city's needs it was stated that "with present rate of growth and use continued, it is certain that New York city will, within twenty-five years, need substantially all the water that these sources can supply in years of extremely low rainfall"; as this statement was made in 1905, the date fixed therein as twenty-five years hence would be 1930.

Some persons estimated that the new supply would be sufficient for the following fifty years, and this idea was accepted by many, but it was never based on official estimates and was in error, as could have been easily found out if the facts available as to the growth in consumption demand had been studied.

RESULTS OBTAINED BY CATSKILL SYSTEM AS BUILT

There was no change from the general plan in carrying out this work except that the Rondout and Catskill creeks were dropped as sources of supply, as it was found that the necessary estimated quantity of 500 million gallons daily could be secured from the other two watersheds, *i.e.*, Esopus and Schoharie. The Gilboa reservoir, which is the collecting reservoir on the Schoharie creek, was completed in July, 1926, and first filled in November. The completed system has therefore been in operation only for a few months and has not had sufficient time to demonstrate its full yield, but the various parts of the system have demonstrated their ability to more than meet the expectations of the designers. These results are summarized as follows:

1. The minimum safe supply from the Catskill system with the Gilboa reservoir in use is 585 million gallons daily, or nearly 20 per cent more than the supply estimated to be furnished by this system.

2. The Catskill aqueduct has a demonstrated delivery capacity of 660 million gallons a day, or over 30 per cent more than was estimated.

3. The city delivery tunnel, which was substituted for a pipe system at a large saving in cost of construction

UPPER GATE HOUSE FROM WEST BASIN, ASHOKAN RESERVOIR

Upper edge of the dark band on the masonry of the gate house shows the normal spring elevation of the water. Water on Sept. 30, 1926 was more than 50 feet below this elevation

and maintenance, has satisfactorily delivered over 650 million gallons daily for a period of several months when this amount of Catskill water was available.

4. The Shandaken tunnel, which is eighteen miles long and conveys the Schoharie water from Gilboa reservoir to Esopus creek and thence to Ashokan reservoir, has shown a delivery capacity of 640 million gallons daily as compared with a designed capacity of 600 million gallons daily.

5. The system has functioned since it was first put into general use in 1917 in a most satisfactory manner and, pending its completion, has delivered more water than was expected by its designers. The Ashokan reservoir with a capacity of 130,000 million gallons has not overflowed since it was first used in 1917, due to the successful effort made to utilize all the available Catskill water and reducing cost of pumping to a minimum.

From the above facts, which are based on daily records the accuracy of which cannot be reasonably or successfully questioned, the obvious conclusion is: *The Catskill water system of the city of New York has more than met the estimates of those who planned it, not alone as to quantity of water to be furnished but as to capacity of aqueducts and satisfactory operation of the works.*

There will remain in the minds of some persons two questions, *i.e.*, why was the Ashokan reservoir nearly empty in October, 1926, and why did the department of water supply urge conservation of the water supply? These questions will be now discussed.

WHY WAS THE ASHOKAN RESERVOIR NEARLY EMPTY IN OCTOBER, 1926?

Storage reservoirs are built to permit a daily draft in excess of the stream flow during months of low flow and are refilled when the flow exceeds the draft. The variation in flow in the Catskill streams is great, the flow falling to virtually nothing in the summer of very dry years and rising occasionally to floods that reach a rate of possibly one hundred times the average daily flow. For a period of a year the total flow in the Esopus has been as low as 106,967 million gallons and as high as 216,585 million gallons between 1903 and 1926. It is expected that the reservoir level will go far down in a low stream flow year. Last year (1926) was the most critical year for the Catskill system that will occur for several years to come, as the completion of the Gilboa reservoir will add to the available supply from the Schoharie creek and hereafter make the average supply from the Esopus and Schoharie creeks more than the capacity of the Catskill aqueduct. The Catskill water can be used without pumping, while the greater part of the Croton must be pumped to give it requisite pressure, and all the Long Island water must be pumped. Any water that was unnecessarily left in storage in the Ashokan reservoir this past fall would be water that was pumped elsewhere at an average cost of about $20 per million gallons. The department endeavored to avoid pumping by drawing down the Ashokan reservoir until the level of the reservoir became such that additional pumping had to be undertaken to safeguard continuity of supply. This situation developed in the spring of 1926, and pumping stations drawing on Croton, Long Island and Staten Island sources were put in full operation as soon as possible. When the stream flow continued low during the past summer, the public was warned to stop waste and avoid unnecessary use of water and all city departments were also asked to do likewise. As an added step inspectors were started on a house-to-

house inspection to stop waste. Croton water was served by gravity to Manhattan below about Fourteenth Street during the night hours instead of Catskill water under a reduced head. An additional pumping plant to pump 57 million gallons daily was contracted for in late October to be finished in eight weeks' time. The flow in the Catskill streams during 1925 and 1926 up to November was the lowest recorded for over twenty years.

The combined effect of these steps reduced the draft on the Catskill system to an average of about 420 million gallons daily during the month of October, which was 141 million gallons daily less than the draft the preceding April. By the end of October the supply in sight was enough to meet the anticipated demand during the winter even with most extreme drought. In November the rainfall was heavy, and from one storm occurring on November 15 and 16 more water was secured than would be needed for about three months' demand at the then rate of consumption. The Gilboa reservoir rose 52 feet in one day and nearly filled in a week. The west basin of the Ashokan reservoir rose 18¾ feet in one day and was filled by December 8, although the east basin was then practically empty.

The reason for the low level in the Ashokan reservoir in October, 1926, is the draft maintained to save cost of pumping, and the prolonged low runoff of 1925 and 1926 which continued until last November.

Mayor Walker designated J. Waldo Smith to investigate the alleged leakage from the Ashokan reservoir, and Dr. Charles P. Berkey, geologist, was called in consultation. They both reported that there was no foundation for the story about the leak in the reservoir.

FUTURE OF NEW YORK WATER SUPPLY

The present available water supply of the city with the completion of the Gilboa reservoir has been increased to about 1100 million gallons daily. This figure includes the 45 million gallons daily developed by private companies supplying sections of New York City. By the development of underground waters of Long Island, the total amount can be further increased. The present total demand is about 870 million gallons daily, and the increase in demand about 30 million gallons daily per annum. The need of further additions to the supply some eight years hence is evident. This subject has been studied by the board of water supply, which has reported to the board of estimate in favor of utilizing the Delaware River if a treaty can be secured between New York, New Jersey and Pennsylvania, allowing New York to use this source. If not, the sources recommended are the streams on the east side of the Hudson River, running north to about the vicinity of Albany. From these streams it is expected 434 million gallons daily can be obtained at a cost of $347,934,000.

The board of estimate is now considering this question, and what the final conclusion will be is not now known. It is certain that the city must make important decisions in relation to its water supply in the near future.

SKETCHES OF AMERICAN MAYORS

VI. VICTOR J. MILLER OF ST. LOUIS

BY RICHARD G. BAUMHOFF
St. Louis

The enfant terrible of Joplin moves to St. Louis, becomes the tempestuous president of the police board and at 36 years of age is elected mayor of the city. :: :: :: :: :: :: :: :: :: ::

MAYOR VICTOR J. MILLER
Is he a political boss in the making?

JOPLIN, a city of about 30,000 population, is at the southwestern corner of Missouri and is the capital of an important lead and zinc belt, which spreads into Oklahoma and Kansas and which even today has some reminders of the era when a six-shooter was law and men wore two-gallon hats.

To Joplin St. Louis sends shoes, drugs and clothing styles, and from that mining center the Mound City takes lead and zinc, and sometimes men longing for bigger fields to conquer.

One Julius Miller was something of a power in Republican politics in Joplin in days gone by, and for a time was sheriff there, when that was a wilder and woollier job than now. Among his sons was Victor J. Miller, a tall, stocky youth with high forehead, ruddy face and roving, penetrating eye, now 38 years old. Sometimes when the latter approached, storekeepers would cry out in warning to their clerks: "Look out! Here comes big, fighting Vic." The object of their concern was not particularly dangerous, but he just loved to get in a mêlée.

He was one who found Joplin too small for his ambitions. He went to St. Louis about twenty years ago and was graduated in law at Washington University, having previously taken a college course at the state university. Six years ago he became the big, fighting president of the city police board and then, in May, 1925, was elected mayor. He still likes to chuckle over his reputation as an *enfant terrible* in Joplin and to smack his lips in memory of crusading days as the police head.

THE BACKGROUND OF ST. LOUIS POLITICS

The St. Louis chosen by this self-styled "simple country boy"—"city slickers can't put anything over on me"—as the scene of his striking political rise had no recollection of

anything like his methods. It was accustomed to ordinary machine tactics and in large measure was complacent about the results. Today, growing in population and business, it is developing a fine civic feeling—a desire to lead in things of the spirit and soul, and not alone in things of the purse and eye.

It has been for a long time (with some notable exceptions) the bulwark of the G. O. P. in Missouri. Its returns, with the help of a few German counties, have swung the state from the Democratic to the Republican column. A Democrat in office has become a rarity in St. Louis and, due to a state constitutional provision in spite of the contrary intent of the city charter, it is a practical impossibility to put an opposition party in the board of aldermen, the one-house municipal assembly.

Republican politics of St. Louis has been largely under the thumb of the machine. Stripped of its mysterious implication, this power was simply the organization of the Republican city committee, the administration and the several thousand city employees. A force like that, with its precinct workers and patronage power, proved sufficient to control things in favor of the "organization boys." Included in it have been several more or less independent groups, especially the wing controlled by City Collector Edmond Koeln, which more than once licked the machine through Koeln's generalship and latterly beat the upstart opposition of Mayor Miller. But no matter which groups won and lost in Republican primaries they all pulled together to drown the Democratic candidates in ballots on election day.

Such was the atmosphere when Henry Kiel, former chairman of the Republican city committee and now chairman of the Republican state committee, became mayor in 1913. He was conservative, easy-going, honest and good-natured, but he played practical politics and kept his and the party's fences fixed, even when it meant doing things that made the newspapers and good government workers howl. He let his appointees use broad discretion and established himself as the official greeter. He welcomed convention after convention, and spoke so much in behalf of civic movements that it is still an unbroken habit to call on him. Precedent was shattered by his holding three terms, till 1925. He is still "Mr. Mayor" in the affectionate greeting of many citizens and, incidentally, it is not impossible that Kiel and Miller will meet in the Republican contest for governor or United States senator next year, or for mayor in 1929.

At any rate, Miller and Kiel are pretty much at the political and personal antipodes. Friends of Miller regard him as a crusader for civic good, and opponents and detractors delight to say of this talkative executive, "The trouble with Vic is that he was vaccinated with a Victrola needle." He is trying to make the mayor of St. Louis in fact as well as by charter the boss of the city government. Many citizens think he wants to be boss for his own advancement. Perhaps he doesn't welcome as many conventions as his predecessor, but he does not shrink from handing the key of the city to visiting merchants and being photographed with musical comedy stars for publicity purposes.

Starting his law practice in St. Louis in 1910, Miller specialized in insurance and corporation matters and is reputed to have amassed a comfortable competence. He was a first lieutenant of artillery, acting as an instructor at Camp Taylor, Kentucky, during the World War. In 1920 he

became an original supporter of Arthur M. Hyde for governor. His reward came when Hyde took office the next year, by his appointment to the presidency of the police board, a four-man body chosen by the governor to direct police affairs of the city, which long has sought home rule without success.

FAME AS POLICE COMMISSIONER

Miller was an "unknown" then, not listed in newspaper files, those telltale compendiums of "who's done what," and unheard of by most St. Louisans. The files are full of him now, and Miller is as well known at home as Rogers Hornsby. The day of his appointment he began talking about his freedom from political obligations, and shortly it became apparent that he was the police board all alone. Striking administrative changes were made, although for years the police have been singularly free from corruption, and new methods were tried. Detectives were sent out to roam the city by night in force, to make lightning descents on criminal haunts, with orders from Miller to "treat 'em rough," and Miller often led these expeditions.

After a year or so he startled the city by charging, in addressing a meeting in a Sunday school room, that pupils of a leading public high school belonged to immoral clubs. This allegation, which Miller failed to prove, brought great indignation on his head, and Governor Hyde demoted him from president to member of the police board, which brought dissension in that body, until the governor fired Miller altogether.

Undaunted, Miller kept up his talking by running for the Republican nomination for governor in 1924, in the hope of rebuking Hyde and organization politicians who had agreed about the expediency of his removal. The result was that Governor Baker, now in office, got 133,000 votes, another candidate polled 80,000 and Miller 79,000, but in St. Louis, where many persons chose to agree with Miller's views on school vice and crime elimination, Miller's vote was nearly 38,000, the second man's, also a St. Louisan, 29,000, and Baker 14,000.

The next day a newspaper reporter asked Miller if he interpreted this as a call of the people to succeed Mayor Kiel. Miller said he didn't know, but he soon found that he had a locally effective political organization and a strong, almost fanatical body of sympathizers, centering in certain Protestant churches. The Ku Klux Klan was making its ineffectual effort to grasp St. Louis in those days, and it was natural perhaps that Miller was charged with being a Klansman, but he denied that and espoused tolerance.

ELECTED MAYOR

In March, 1925, in a bitter three-cornered fight between the Miller machine, the organization machine and an independent clique, Miller received the Republican nomination for mayor with 57,000 votes, against 44,000 votes for the party man and 27,000 for the other. Then the fight began. St. Louis normally has a Republican majority running as high as 60,000 for favorite officials. The Democrats put up a strong man, former Congressman William L. Igoe, and many Republicans deserted their party to vote for Igoe. Miller got 120,352 votes, a majority of only 3,129 over Igoe, while Comptroller Louis Nolte, a popular Republican, was reëlected in a party-line contest with a 53,200 majority. "Lies," "gangsters," "thugs" and "thieves" were some of the picturesque terms figuring frequently in Miller's campaign speeches.

Miller's success in gaining election

as mayor lay in the organization of two elements—women and the "church crowd," to all intents and purposes pretty much the same group as comprises the Anti-saloon League. Miller is his own Boswell, but he has a Warwick, in the person of Robert Kratky, a young lawyer, who proved himself something of a political genius in amalgamating this force, which was augmented by some practical politicians who foresaw the chance to hop on a new band wagon. The Miller organization was complete to the last precinct, and it outworked the old machine at the polls. Since election, Miller's tactics in building up a personal following, through distribution of jobs and otherwise, has been quite similar to that of the old régime.

The difficulty with the Miller political system seems to be that the forces which once rallied to his banner are not stable, and in a primary last August, Collector Koeln won renomination against the strenuous opposition of the mayor, who also failed to elect a number of members of the Republican city committee. However, the new personnel of the committee is currying his favor for the sake of harmony and patronage.

Unable to control the board of aldermen, Miller has relied a great deal on public opinion to force action by that body on proposals he has laid before the people. He has made his "cabinet" of five men—the board of public service, comprising heads of five principal departments—a group amenable to his wishes and loyal to his ideas. He has to a considerable extent made himself boss of the administration, and has succeeded in making other elective officials agree to a considerable extent with his views and plans, out of conviction that he means well. He has, heeding advisers, curbed his propensity for "talking too much," and has made friends. This summarizes his administrative methods, but one doesn't get the impression that he has made good on his early promise to "kick politics out of City Hall."

PROBLEMS FACING THE MAYOR

Finding money to pay for the growing functions of municipal government, a railroad terminal reorganization and a transit reorganization are probably the most important of the problems facing the administration.

The tax rate is $2.58 on the $100 valuation for all purposes, including $1.35 for the city, which is the limit for municipal purposes, and which gives something more than $20,000,000 annual revenue. Included in the city tax rate are special levies, fixed by state law, of four cents for the Public Library and two cents each for the Zoo and Art Museum. Casting about for ways of stretching the budget, Miller hit on the idea of revoking these special levies and leaving the three institutions to the mercy of the annual budget scramble, and has proposed repeal of the levies by the state legislature. However, there is strong public sentiment in favor of the institutions and it has been thought likely their sources of income would remain unmolested. A kindred proposal by the mayor for repeal of the state law requiring the city to appropriate whatever funds the police department demanded appeared to have more chance of success.

The railroad terminal reorganization is a highly involved problem. A citizens' committee worked for several years to prepare an ambitious plan for rearranging rail facilities to secure greater efficiency and service. This involved release to the city for free use, the famous bridge across the Mississippi built by James B. Eads and the utilization by the roads of the idle rail

deck of the municipal free bridge. Attack from various angles met the committee plan. Miller submitted a group of compromise ordinances to a special session of the board of aldermen last summer, but the board adjourned without final action and the problem remained in a muddle. Previously the aldermen had let die a measure of the mayor's to charge tolls on the vehicle deck of the municipal bridge for non-residents of Missouri, in retaliation for the action of Illinois authorities in taxing the eastern end of the structure.

Now in receivership, the street car system is being reorganized and must obtain new franchises under new and modern terms. Rapid transit facilities are involved and the city counselor, an appointee of the mayor, drafted an enabling act submitted to the legislature, to authorize the city to build, operate or lease subway and other facilities, and to assess benefited property to pay for them. The trolley line reorganizers have started a bus system coördinated with car service and competing with a strong independent bus system which is allied with New York, Chicago and Detroit companies. The administration eventually must decide how buses shall be treated in the transit realignment, and, more important, it must consider the service-at-cost and other plans for the street cars. Miller has committed himself to submitting the whole problem to the people for final decision.

There are recurrent questions of rates for telephone, gas and electric service confronting the city, but Miller has met no serious trouble in these. The trolley people, however, are trying to raise the fare from seven to eight cents, which means a legal war.

DISMISSAL OF COMMISSIONER WALL

In 1923 St. Louis astonished the nation by voting $87,372,500 in bonds for varied and notable municipal improvements. The preliminaries took a year or two, and the program was just getting well under way when Miller took office. The administrative work falls largely to the board of public service, and Miller was generally commended for keeping as president of the board Edmund R. Kinsey, an engineer thoroughly acquainted with the task, and for the promotion from water commissioner to director of public utilities and membership on the board of Edward E. Wall. These two offices received the brunt of the improvement work and Wall, an engineer of national reputation, was charged with building a new $12,000,000 waterworks on the Missouri River and installing $8,000,000 in electric street lights.

Wall's idea, Miller soon discovered, was to run the place as an engineering proposition without regard to politics. Miller wanted Wall to fire the electrical engineer handling the street lights, to make room for a Miller man, and Wall refused. Miller, anxious to have his own way, thereupon brought charges touching on Wall's efficiency and loyalty. Acting in accordance with the charter, the mayor appeared in the "trial" as grand jury, judge, prosecutor, trial jury and prosecuting witness. The verdict was the dismissal of Wall, which was followed by the resignation of the electrical engineer and the appointment of the Miller man by the new director chosen by the mayor.

RECALL MOVEMENT BEGINS

This was about a year ago and shortly afterwards, in April, 1926, a movement to recall Miller was started. The powers behind the recall movement have never become known and the manager, a former deputy sheriff, was the only point of public contact. Within two months, it was announced,

nearly 100,000 signatures to recall petitions were obtained, although only 60,000 were necessary to call an election, but political dickering to save former United States Senator George H. Williams from embarassment at the November election caused the petitions to be withheld, and since then it has appeared that the movement, which was an effective political club, is dead. Started when Miller was extremely unpopular, within a few months the recall encountered a public disposition to let the mayor work out his destiny.

Nearly $20,000,000 of the bond issue money has been spent, and the remainder must be handled by the present and future administrations. Much will be done in Miller's present term and he must take leadership in getting the more important projects under way. A $1,000,000 public market has been erected, a $4,000,000 courthouse is going up, numerous lesser things have been finished and other big ones begun, but many improvements remain to be started, including a badly needed $5,000,000 municipal auditorium and convention hall, a $2,600,000 plaza opposite Union Station, and $11,000,000 in street opening and paving.

For nearly fifteen years the city has been trying to get the Wabash Railway to eliminate a busy and dangerous grade crossing in the West End. More than a year ago Miller announced that he had effected a compromise to bring speedy consummation. Interested property owners didn't agree with his idea, and kept the question in the appellate courts. The mayor is expected to push this project.

Improvement of the blighted Mississippi River front of the city is another important and complicated matter pressing for solution. Miller recently organized a body of leading citizens to work for a $40,000,000 city plan commission scheme for a plaza and double-deck traffic artery. A bond issue doubtless would be necessary for this, and public confidence in the administration would be necessary for its success.

The city has begun condemnation and direct purchase of seven downtown blocks or squares between City Hall Park and the Public Library for a memorial plaza, to be surrounded by public buildings. The federal government is planning a new office and court building, and various interests have been contesting its location; the city has suggested giving it part of the plaza site. Here again is a task for the mayor's leadership.

A regional planning scheme spreading well into Missouri and Illinois, with St. Louis as the nucleus, is being hatched. Another administrative problem. Voters of St. Louis county last autumn defeated an ambitious plan to annex the county, which is entirely separate from the city, to St. Louis. Miller, an active campaigner for the plan, remarked something about "darn fools" in the county not being able to see benefits of the merger, and a misconstruction of the expression lent comfort to the enemy. The metropolitan area spreads well into the county, and there are administrative and physical difficulties to be overcome because of the divided control.

Like most other cities, St. Louis is beset with traffic trouble, and a solution of the parking and vehicle movement problems is of growing necessity.

There is money in the bond issue for a badly needed new public hospital for Negroes, but the city has not been able to locate the institution.

The efficiency board, created to hire city employees under civil service rules, is popularly supposed to have broken down into a political instrument under

pressure by Miller. An old-line Republican quit as its chairman, charging as much. City employees understand that if they are not ardent Millerites they must keep a tight lip.

Miller at first was distant to the City Hall newspaper reporters, but, like his predecessor, he has learned that mayors come and mayors go, but the press is on the job year in and year out. St. Louis is wondering now where "big Vic's" ambition will lead next.

PHOENIX BUYS STREET RAILWAY FOR $20,000, ITS JUNK VALUE

BY HENRY RIEGER

City Manager of Phoenix, Arizona

The first year under city operation shows a profit on a five-cent fare. With complete rehabilitation, the system can be made a revenue producer. Estimated population, 45,000. :: :: :: :: ::

On June 4, 1925, the city of Phoenix acquired for $20,000 cash the local street railway properties, which just a year previously had been offered for $165,000 cash. The final appraisal of the properties was made by the writer, as city engineer, and was based on junk values. The street railway had been operated by private interests for a number of years, but the lines and equipment had been allowed to depreciate to such an extent that the cars were unsightly and riding very uncomfortable. The main thoroughfare, Washington Street, had become a series of holes and ruts, rendering it nearly impossible for automobiles or vehicular traffic to cross at any point with any degree of safety.

The year 1920 was the banner year under private ownership and operation as far as receipts were concerned. In that year the gross receipts were a trifle over $237,000, but by the year 1925 the receipts had dropped to $148,000. The loss is directly attributed to the increase in automobile traffic, the poor condition of the lines and the poor service rendered.

CITY FORCED TO SUPPLY TRANSPORTATION

On April 20, 1925, the private operating company formally notified the city that it would discontinue operation in six months' time, namely on October 20, 1925. The discontinuation of operation would have left the city completely without transportation facilities and the city government immediately took steps to provide a transportation system. After a thorough study of the physical condition of the street railway, the commission and the city manager were convinced that the street railway could not be made to pay a profit, and the only solution which seemed possible was a bus system. Consequently, negotiations were started for bus line operation, but on September 26, 1925, the voters defeated a bus franchise by about five votes to one.

Although the purpose in purchasing the street railway was to clarify the situation so that the streets could be cleared for buses, once the city had acquired the street railway properties there arose a great demand for opera-

tion by the city. The city accordingly began operation on November 1, and on the same day the writer took office as city manager.

It is needless to say that successful operation of the street cars seemed a hopeless task, especially in view of the fact that engineers and experts had reported that the properties could not be made to pay. Consequently it was very gratifying to find that, at the end of a year of municipal operation, the properties had made a net profit of $18,000. The year's receipts were approximately $161,000; disbursements approximately $143,000; including an item of $33,000 for maintenance. Had the lines been completely rehabilitated, at least 80 per cent of the $33,000 maintenance could have been saved. Although the corporation commission recommended, during the operation by private interests, that a seven-cent fare be charged, the city fare has been kept at five cents. A seven-cent fare would have increased the profits not less than 30 per cent, making a possible profit, under rehabilitated conditions, of approximately $57,000 for our first year. Experienced street railway men have advised that within a year after complete rehabilitation, the patronage will increase at least 25 per cent. The power bill for the year was approximately $32,000. With a completely rehabilitated system of up-to-date, light one-man cars, an additional saving of at least 25 per cent could have been made in power. The bad condition of the tracks and the extremely heavy, obsolete, four-motor cars are causes of excessive power bills. Until the city took over the operation of the lines, the private operating company had been paying 2.5 cents per kilowatt hour for power. Immediately after the city assumed control, we began negotiations with the power company for a reduction in rate. After several conferences, we were successful in arriving at a rate of 1.8 cents per kilowatt hour for the power consumed, a saving of approximately 30 per cent on power bills.

The city charter provides that eight hours constitute a working day for all employees. Under private ownership, street railway employees had been working ten, twelve and fourteen hours a day. Immediately after the city began operating the street railway, we placed all employees on an eight-hour basis and adjusted the scale of wages so that there would be no loss in salary to any. But the eight-hour basis necessitated additional help and raised the payroll between 25 and 30 per cent. Thus the saving in power costs was practically offset by the increase due to the eight-hour basic day.

FUTURE PLANS INCLUDE REHABILITATION

At the end of the first year's operation, we find the street railway system in much better physical condition than it has been for several years, but the city cannot long afford to continue unless it is entirely rehabilitated, otherwise as time goes on, the maintenance will increase to such an extent as to absorb any profits we can anticipate at this time. During the past year we have replaced innumerable ties and rails, and have re-bonded many of the rails and placed many of the crossings in a comfortable passing condition. Service on three of the main lines has been increased about 33⅓ per cent. Lines that were giving fifteen-minute service we have increased to a ten-minute headway. We now contemplate submitting a bond issue for a complete rehabilitation of the street railway and the purchase of modern, up-to-date equipment. Complete rehabilitation will require about $750,000, but after one year's operation we are

convinced that the profits will retire a bond issue of this size within a period of thirty years.

Phoenix is growing rapidly and we feel that the complete revamping of the system will increase the patronage very materially. We are convinced that we can give service on a six-minute headway, or better.

Because nearly every day in the year is warm and sunshiny, Phoenix is particularly an automobile town. For the same reason the writer contends that it is an especially good street car town. We have no large rivers or deep ravines necessitating expensive bridges and there are no hills to require excessive power for the cars.

When the city took it over, the system comprised thirty-two miles of operation, but seven miles of one suburban line have since been discontinued. We now operate about twenty-five miles of track, ten miles of which is double track. The material in the seven miles over which operation was discontinued has been recovered and is being used for repairs to the other lines.

In the year 1920 the total receipts of the street railway were $237,000. In the year 1925 the receipts had dropped to $148,000 with an increase in population of approximately 15,000 in the five-year period. In the first year of city operation we have increased the receipts about $12,000 over 1925. We are now convinced that with a rehabilitated system, a five- or six-minute headway service, and an increase in population, the street railway can be made a source of revenue to the city.

NEWPORT, RHODE ISLAND, ADOPTS A MAYOR-COUNCIL-MANAGER CHARTER

BY EDWIN A. COTTRELL
Stanford University

This interesting charter, adopted by the people and subject to the approval of the legislature, is based upon the 1927 Model Charter of the National Municipal League and is in addition a conscious attempt to place in the mayor a responsible leadership for public policy and law enforcement, as well as to overcome the peculiar provisions of the Rhode Island constitution which divides the voters into taxpaying and registry groups. :: :: :: :: :: :: :: :: :: ::

Newport, Rhode Island, adopted a new form of mayor-council-manager charter at the regular November election by a vote of 5,020 to 1,857. This proposal is the result of the utter dissatisfaction with the old representative council type of charter which has been in operation since 1906, and with the "ripper" procedure of the last session of the state legislature which substituted the so-called Lawton bill for the old charter. This Lawton charter took effect in January, 1927, and provides a return to the straight political party control in place of the non-partisan principle in vogue in Newport for twenty years. The charter adopted by the people becomes effective in January, 1929, if accepted by the legislature.

"THE NEWPORT PLAN"

Newport was alone among municipalities with its representative council type of government. This provided for a council of one hundred ninety-five members, a mayor with practically no power except a partial control of the police department, and a board of five aldermen who were the administrative officers of the city. The chief failure of the large council was in attracting sufficient members to its meetings, except the opening one of the year, at which some one hundred odd municipal officials were elected. Many of these officers held seats in the council and voted on the budget and other matters affecting their own departments. There was practically no check upon the operations of the municipal departments and absolutely no centralization of responsibility at any point of the organization.

It might be of interest to state that the accounts of the city had not been audited for the past fourteen years. A pressing tax problem due to the presence of many large estates owned by summer residents who have been obtaining court decisions for the rebate of taxes, and the gradual depreciation of large resident sections of permanent citizens, brought to an issue the ineffective floundering of the past few years of municipal operation.

Two years ago the city government engaged Gaylord C. Cummin to survey the municipal operations. His report is comprehensive in its scope and generally favorable in its findings. It says of the organization that

> it is needlessly complicated; legislative and executive powers are separated theoretically, but as the legislative body elects most of the administrative officers there is an overlapping that prevents entire separation. Responsibility and authority for administration is badly scattered and diffused, *i.e.*, the board of aldermen, separately elected by the people are held responsible in theory for administration, but must work through officers responsible to the representative council for election. The mayor is responsible for police and practically nothing else, although even here is responsibility which is not clear cut, as his appointment of a police chief must be confirmed by the aldermen. Although a legal fiction exists that the aldermen are held responsible for administration, the fact remains that an officer or department head pays allegiance first to the body responsible for his election, and it is unfair to hold the aldermen responsible for administration when working through officers whom they do not appoint and whose actions they cannot control.

Although this report pointed out conclusively that there was entire lack of coöperation between the different parts of the administration and that some change was necessary, the citizens considered that nothing could be done under the existing political conditions. Finally, however, a demand was made for some logical examination into what Mr. Cummin called the "difficulties of misunderstandings, misinterpretations and needless restrictions," and an informal committee began to study the operation of municipalities elsewhere. This stirring brought about some notice on the part of the political managers and an old form of charter drawn several years before was introduced into the legislature and became known as the "Lawton Bill." This was introduced by Fletcher W. Lawton, a representative in the legislature from Newport and a member of the representative council of the city.

THE LAWTON CHARTER

The Lawton charter passed by the legislature without a referendum to the people, is a reversion under which party caucas nominations are made, old-fashioned partisan cart-tail campaigning is reintroduced, the mayor is still an impotent figurehead, the election of the five aldermen changed from at-large to wards, the council reduced from one

hundred ninety-five to twenty-five, five per ward at one election for a two-year term instead of thirty-five per ward in three groups for six years each, and the unsatisfactory multiplication of inferior officers and boards is perpetuated. This bill was rushed through the legislature without adequate hearings and all formal protests to this plan and requests for a referendum from a large and very representative number of citizens who presented themselves in opposition before both house and senate committees and by address to the governor were utterly disregarded.

A Volunteer Citizens' Committee was formed which started an educational campaign for a council-manager form of charter. This committee finally persuaded the representative council to appoint an official commission of five of its members and five citizens to study charter types and report back its findings. This commission held many executive sessions at which proponents of the old representative council form, the new Lawton bill, the strong mayor, and the council-manager forms were given opportunity to present arguments for each. There were public mass meetings at which Dr. H. W. Dodds, Professor J. Q. Dealey, City Manager Holt of New London, and the writer spoke on the different charter forms. Subsequently during the campaign for adoption for the plan proposed by the commission, Louis Brownlow, formerly city manager of Knoxville, spoke frequently.

LEAGUE'S MODEL CHARTER USED

The official commission had presented to it the tentative draft of the new model charter of the National Municipal League with adaptations to fit the peculiar conditions of the Rhode Island constitution. The whole proposal of the league charter was considered by the commission too bulky for considerat on by the people and members of the legislature, or too advanced in some of its proposals, and many of the provisions were eliminated or reduced in space.

The charter finally presented to the representative council by the commission, and by it submitted to the people and adopted at the election, provides for a mayor and school committee elected by all the registered voters of the city. The mayor is to be the head of the police department, which is now the practice, and which was continued for polit cal expediency. The council of five members is elected at large by those voters who can qualify under the provisions of the Rhode Island constitution "that no person shall at any time be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred thirty-four dollars. If this tax is not paid within seven days of an election, the person's name is transferred from the taxpaying list to the registry list and the person votes only on general officers and not the council or state legislative nominees. In the Newport registration, very nearly one-half of the voters are of the non-taxpaying class.

The council elects a clerk, solicitor, registrar of voters, judge of probate, probate clerk, funds commission, board of examiners, tax assessors (three instead of one as proposed in the draft, and again for political expediency), and the manager. The manager appoints the heads of the departments of finance, safety, works, welfare, personnel, the members of the city planning board and at his discretion an advisory board for each department.

The manager also acts as purchasing agent of the city. The finance department consists of the division of audits and accounts and treasury. The safety department includes fire, inspection, and harbor. Works department has streets, sewers and wastes. Welfare includes health, parks, recreation, poor relief, sealer, and coroner. A personnel board is created consisting of the personnel director, a member elected by the council and one elected by the employees of the city. The provisions of the personnel department and the financial provisions of the model charter are followed verbatim except that the commission omitted those sections providing for scientific appraisal of property, a procedure much needed but feared in Newport.

BOARD OF EXAMINERS AN INNOVATION

An interesting innovation in charter provisions is the creation of a board of examiners to consist of five electors qualified by training and experience in the fields of business and professions similar to those undertaken by the city departments. This board is elected by the council on the first Monday in January and serves one year without pay. Its duties are to make an examination of all the work of the city, including the school department, and to make a report on its findings. It may undertake special investigations when ordered to do so by the council. It has powers of examination of all records, to subpœna witnesses, administer oaths, and take testimony. In practice it is a sort of grand jury or finance commission investigation of public business for the discovery of factual information for the citizens.

Sometimes an omission must be filled without much time or thought. Such appears in the section on the Powers of the Council. An all inclusive blanket provision granting the necessary powers under the laws of the state was originally presented in the proposed charter draft. This was apparently not satisfactory to the commission and somewhere from the dark ages section seven of the adopted plan appeared. It provides, among other things usual to such a section, for regulation, "to taverns, cookshops, oyster houses, and all places of entertainment; to public shows, entertainments, exhibitions, and spectacles; . . . to foot or sidewalks in the streets, and to posts, gutters, drains, signs, steps, cellar doors, windows and lamps therein"; . . . Modern powers of a council are practically overlooked in this limiting provision.

The time for the campaign for adoption was barely one month from the date the commission reported back to the council and the regular day of election. A particularly vigorous chairman and committee published and distributed forty thousand pieces of literature including a copy of the text of the charter in full; *The Story of the City Manager Plan* published by the National Municipal League; a history of the manager movement in Newport; a story of the manager plan elsewhere; the plan in brief; the plan analyzed with objections answered; a sample ballot; many advertisements in newspapers; window cards and banners. The literature is well written and was most effective in its presentation of the facts. The chairman and committeemen are to be congratulated on their literary contributions to the manager movement. The two local papers and the Providence papers gave liberal space to reports of the meetings and explanations of the plan. The charter provisions were printed in full in both local papers. Editorials in both Newport and Providence papers upheld the principle of home rule and advocated business management in municipal government.

There were in addition to the speakers mentioned above in the preliminary campaign during the summer, many local speakers who appeared before every civic organization and at all the cart-tail and mass rallies of both political parties. One debate was held before the women voters and the proposed charter was supported by Louis Brownlow and opposed by a local lawyer solely on the principle that it perpetuated the property qualification for voting.

INTEREST ELSEWHERE —PASSAGE BY LEGISLATURE

Other cities in Rhode Island, including Pawtucket, Woonsocket and Westerley, are considering adopting the council-manager plan. The committees in these cities became discouraged when it was found that the usual manager plan could not be adopted under the present provisions of the state constitution. It is hoped that the new proposal adopted by the people of Newport will encourage them to reopen their campaigns and appear unitedly before the legislature with similar plans for adoption. There will be serious opposition in the coming session of the legislature. The author of the Lawton bill, under which officers are already elected for the next two years, is a resident of Newport, one of its representatives in the legislature, and above all holds the important position of chairman of the judiciary committee of the house before which the charter must appear. It was this same chairman and committee which forced the present condition on the city at the last session of the legislature.

However, an added situation has arisen in the fact that the party in power in the state has now gained control of the board of aldermen and council under the new charter passed last year. The opposition party won the mayoralty and keeps control of the police department. The expression of the people on the mayor-council-manager plan of 6,877 votes out of a total cast for governor in the city of 8,807, and a clear majority in every voting precinct of the city, with a ratio of approximately three to one in its favor, clearly shows the feeling of opposition to the Lawton charter and a keen desire to become the pioneer in Rhode Island of the well-established businesslike form of government provided in the new charter proposal. Home rule or even a referendum is denied the cities of Rhode Island under the practice of the legislature. Now an opportunity appears for the legislature to accept a scientifically drawn charter adapted to local needs and state constitutional and statutory limitations. It cannot be worse than the old or present forms and the legislature would be wise to give it a trial especially when it comes backed by a clear demand on the part of the citizens of Newport.

THE BUDGET IN THE COMMUNES OF FRANCE

BY A. E. BUCK

National Institute of Public Administration

Municipal budget practice in France differs from ours in several important respects. :: :: :: :: :: :: :: ::

An interesting book recently published in Paris treats the budget and budgetary procedure in the communes of France.[1] This book sets forth in a succinct manner the communal budget methods and gives a comprehensive discussion of local revenues and expenditures. A brief outline of these methods and some comparison with the municipal budget practices in this country may not be amiss at this time.

Communal budget methods are defined by the great municipal law of 1884, which is a revision of earlier laws dating back to the time of the Napoleonic régime. With a few minor modifications, the law of 1884 is still in force at the present time. Since the provisions of this law are generally applicable to all communes, the legal side of budgeting becomes a more or less simple matter. Anyone writing on the communal budget does not, therefore, have to contend with widely varying state laws and local ordinances, as would be the case if he were writing on the municipal budget in this country. He does not have to work through a maze of conflicting legal provisions and practices pertaining to local budgeting and try to establish some budgetary norm. In this respect, the budget of the French communes is a simpler problem than the budget of American cities.

The budget is defined as follows: *Le budget est un état qui présente les prévisions de recettes et de dépenses afférentes à un exercice,*—The budget is a statement which presents the forecasts of receipts and expenditures belonging to a fiscal period. The *exercice* is the period legally fixed for the execution of the budget; it begins on January 1 and ends on December 31, but an additional three months are allowed, or until March 31, to terminate the financial operations begun during the period proper. Hence, this period may be regarded as extending over fifteen months, the last three of which overlap on the succeeding period.

FORM OF BUDGET DOCUMENT

As a document, the original budget (*budget primitif*) prepared by the mayor has a very definite form. It has two major divisions, called titles, the first one containing the anticipated receipts or income, and the second one the estimated expenditures. The receipts are divided into two chapters, the ordinary and the extraordinary. The expenditures are divided likewise. Finally, the chapters are divided into

[1] Charles Sol, *Le Budget Municipal.* Published by Crété, 2, Rue des Italiens, Paris, 1925. Pp. vii, 595. This book is well written and thoroughly practical in its approach to the subject. The author has had considerable experience in municipal affairs, having been chief clerk to the mayor of Brest and also mayoral secretary of Chalons-sur-Marne. Jean Maillard, mayor of Pavilly, has written a preface to the book.

articles, showing the general character of the receipts and of the expenditures. The expenditures are shown as belonging to two categories, obligatory (*dépenses obligatoires*) and optional (*dépenses facultatives*), which are largely arbitrary groupings determined by legal provisions.

Title I, Chapter I of the budget contains the ordinary receipts of which there are about 60 items; Chapter II contains the extraordinary receipts, an additional score of items. Following this is a recapitulation and total of receipts. Title II, Chapter I contains the ordinary expenditures consisting of some 95 items; while Chapter II contains about a score of items of extraordinary expenditures. The ordinary expenditures are classified as costs of administration (*frais d'administration*), upkeep of communal properties (*entretien des properiétés communales*), poor relief and health (*assistance et hygiène*), public instruction (*instruction publique*), urban roads or streets (*voirie urbaine*), parish roads (*voirie vicinale*), rural roads (*voirie rurale*), and miscellaneous expenses (*dépenses diverses*). The extraordinary expenditures are debt service (*service de la dette*), and accidental and temporary expenses (*dépenses accidentelles et temporaires*). The expenditures are recapitulated at the end of the two chapters. Then follows a general recapitulation which summarizes all expenditures and all receipts and shows the resulting surplus or deficit.

The budget form provides five columns for the listing of the various items under both receipts and expenditures. The first column is for the listing of the receipts or the expenditures, as the case may be, which were ascertained by the last financial report (*dernier compte*). The next column is for the recommendations of the mayor with reference to proposed receipts or expenditures, the third column is for similar recommendations by the municipal council, and the fourth column is used likewise by the subprefect when the budget leaves the council and passes through his hands on its way to the prefect. The fifth column is for the prefect to enter his allowances in the case of both receipts and expenditures when he approves the budget. An additional column is added for comments.

The communal budget is prepared by the mayor and sent to the council in May of each year. This document (*budget primitif*) contains the financial plan of the chief executive of the commune for the succeeding fiscal period. Upon its receipt, the budget is turned over to a council committee on finances. It is accompanied by a financial report (*compte administratif*) from the mayor, covering the preceding fiscal period. The budget is carefully examined by the committee in the light of this financial report, after which the committee makes its recommendations to the council as a whole in a summary report. The council then takes formal action on the budget; in doing so, it may increase or decrease any of the items in the mayor's recommendations. The budget is usually passed by the council at the May session; although it may be acted on at a latter session. It must, however, be passed so it can be finally approved by the prefect before the beginning of the fiscal period to which it relates.

REVIEW BY PREFECT

After the communal budget has been passed by the council, it is sent by the mayor to the subprefect of the arrondissement, which is an administrative division between the commune and the department. The subprefect examines the budget and may, within certain limits, recommend changes in

it. He then sends it to the prefect of the department, an officer somewhat analogous to the governor of one of our states. The prefect examines the budget, makes such changes as he may think necessary under the law, and fixes (*arrête*) it, whereupon it is returned to the mayor. The prefect may omit or reduce either the obligatory or the optional expenditures. If the revenues of the commune are in excess of 9,000,000 francs, the budget must be approved by the president of the Republic on the proposition of the minister of the interior. Cities with a revenue of more than 100,000 francs are required to publish the budget; other cities may do so.

Since the budget (*budget primitif*) is based on the accounts of the fiscal period one year removed from the period to which it applies, that is, the 1927 budget is prepared and adopted in 1926 and is based on the accounts of 1925, it often becomes necessary to readjust the budget plan during the course of its execution. This is done by means of the so-called additional chapters (*chapitres additionnels*), or the supplementary budget (*budget supplémentaire*). As soon as the accounts have been closed for the fiscal period just preceding the one covered by the budget, that is, soon after March 31, the exact condition of the communal finances is known. If there is a surplus of receipts over and above the amount estimated in the budget, it may be appropriated by the communal council through the passage of a supplementary budget. This budget follows the general form of the original budget; it may be voted at any time during the year to which the latter budget applies. The supplementary appropriations are usually set up in the communal accounts under the head of "special authorizations."

EXECUTION OF BUDGET

The execution of the communal budget is subject to rigid regulations. As pointed out above, the mayor is required to submit to the municipal council each year with his budget, a statement of the financial condition (*compte administratif*) of the commune for the fiscal period just closed. This statement covers both receipts and expenditures and is presented in the order of the chapters and articles of the budget. It is in the nature of a comprehensive operation statement. It shows in parallel columns with reference to receipts, their nature; the amounts fixed by the provisions of the original budget (*budget primitif*), the supplementary budget (*budget additionel*), and the special authorizations; the amounts produced after various deductions have been made; the receipts actually received during the fiscal period; and the remainder to be collected. With reference to expenditures, it shows in parallel columns their general character; those allowed by the original budget, the supplementary budget, and special authorizations; the sum total of appropriations (*des crédits*); the amounts paid from these appropriations during the fiscal year, and during the three months following the end of the fiscal year; and the balance remaining unexpended. At the end of the statement a balance is struck between the receipts and the expenditures and the resulting surplus or deficit is shown. Accounts are kept which will readily furnish the information contained in this statement.

AMERICAN PRACTICE COMPARED

Communal budgetary procedure has several features of interest from the American standpoint. It is regulated by a single law, the great municipal code of 1884. It is practically uniform for the 37,000 communes, consisting

of all the cities, towns, and rural areas of France.

The fiscal year is identical with the calendar year and applies to all the communes. Subsequent to the end of the fiscal year, three months are allowed for the termination of the year's business. To us, this may seem to be an unnecessarily long period. By a system of accounting which provides for encumbrances, many of our cities are able to know on the first day of the fiscal year the free balance applicable to that year's budget.

No attempt is made to classify the financial data in the communal budget except along the most general character or functional lines. The classification which we regard as being essential for accounting and informational purposes, namely, the classification along object lines, does not appear in the communal budget. However, this budget places great emphasis on the income side, which is almost entirely neglected in many of our city budgets. As our tax problems become more pressing, we shall no doubt come to follow the French method of determining the revenues first and then fixing the expenditures accordingly, instead of the reverse order as at present.

The communal budget is enacted into law in the same detail that it is presented to the council, that is, it is not only the budget but also the revenue and appropriation measures as well. All are combined in the same document. In our city budgets, the tendency is to give more details for informational purposes than it is necessary to enact into law, hence the need for discriminating between the budget document and the legal measures to carry it into force.

The approval of the communal budget by higher executive authority, of course, has no counterpart in this country. However, a few of our states have established certain supervisory control over local budgets in such matters as form, general procedure, and provisions for debt service.

Finally, the communal budget is based upon information derived from a system of local accounts which reflects every step in the execution of the budget. In this way, every budget interlocks with the preceding and subsequent ones and forms a definite link in the financial experience of the commune. The lack of such procedure is perhaps the weakest point in the budgetary methods or our city governments; our municipal budgets are not closely tied up, as they should be, with the actual accounting and financial reporting of the fiscal year. Our city authorities too often prepare a budget, adopt it, and then forget that they have it until it is time to prepare the next one.

MUNICIPAL VEHICLE TAXATION

BY MAXWELL N. HALSEY

Albert Russel Erskine Fellow, Harvard University

Cities in eleven states are experimenting with a wheel-tax to help pay the mounting costs of government. :: :: :: :: :: ::

THE municipal vehicle tax situation has assumed considerable importance in the last few years, due chiefly to two factors: the rise of the automobile in the economic world, and the search of municipalities for additional sources of revenue. The history of the automobile is a comparatively recent one and it is only within the last decade that it has really come into its own. Motor vehicle production rose from 6,000 in 1910 to 4,500,000 in 1925, when motor vehicle taxes amounted to $666,944,344.98. The following year the wholesale value of cars and trucks totaled $3,056,950,000 and motor vehicle taxes were $735,225,000.[1] This increase greatly stimulated vehicles as a base for taxation. Coincident to this rise came the increase in municipal expenditures with the necessary demand for greater revenues. Municipalities in their search for new fields of revenue were attracted by the increasing prominence of motor vehicles. Since it was claimed that vehicles add to municipal costs by street wear, additional police, installation of expensive signs and signals, etc., cities did not hesitate to attempt to tap this newly developed reservoir of wealth.

This discussion is concerned strictly with the "wheel-tax" and not the other forms of municipal vehicle taxation such as the personal property tax. The "wheel-tax" is essentially "license" in nature. It consists of an annual municipal license fee levied in addition to the state tax and is based upon either the capacity or horsepower of the vehicle. The subject of such taxation consists of machines, horse-drawn vehicles, or trucks privately owned by residents of the city, and not commercial vehicles for hire. From the very beginning the state assumed a tax power which resulted in the registration tax or fee. With the addition of a new tax by a political subdivision, conflicts soon arose.

STATUTORY PROVISIONS

The reactions of the state can best be followed by a close inspection of its statutes upon the subject.

At the present time some twenty-five of the states have considered vehicle taxation as being reserved strictly to the state and have passed laws definitely prohibiting municipal vehicle taxation. The following statutes exhibit the three types of prohibition: Idaho provides: "The registration fee imposed by this chapter upon motor vehicles other than the registration fee required of dealers and manufacturers, *shall be in lieu of all other taxes thereon*, general or local, and any such motor vehicle properly registered and for which the required fee has been paid, shall be exempt from taxation."[2] New Jersey provides: "*No owner or purchaser or driver* of a motor vehicle

[1] *Facts and Figures of the Automobile Industry*, 1926, by National Automobile Chamber of Commerce, p. 6, 10; *Preliminary Facts and Figures of the Automobile Industry for 1926*, by National Automobile Chamber of Commerce.

[2] Idaho, *Idaho Compiled Statutes*, 1919, ch. 69, § 1602, p. 69.

CLASSIFICATION OF STATES[1] ACCORDING TO AUTHORIZATION OF CITIES TO LEVY A WHEEL-TAX

Prohibited	Authorized	No authorization	Tax
Alabama			No
Arizona			No
	Arkansas		Yes
		California	*
Colorado			No
		Connecticut	*
		Delaware	*
Florida			No
Georgia			No
Idaho			No
	Illinois		Yes
	Indiana		Yes
Iowa			No
Kansas			No
		Kentucky	Yes
	Louisiana		No
		Maine	Yes
Maryland			No
		Massachusetts	Yes
Michigan			No
	Minnesota		No
Mississippi			No
	Missouri		*
		Montana	*
		Nebraska	Yes
		Nevada	*
New Hampshire			No
New Jersey			No
New Mexico			No
New York			No
	N. Carolina		Yes
N. Dakota			No
Ohio			No
Oklahoma			No
		Oregon	*
Pennsylvania			No
Rhode Island			No
S. Carolina			No
		S. Dakota	Yes
		Tennessee	*
Texas			No
Utah			No
		Vermont	No
		Virginia	Yes
		Washington	Yes
W. Virginia			No
		Wisconsin	No
Wyoming			No
25	7	16	No, 29 Yes, 11 * 7

* No information available

who shall have complied with the requirements and provisions of this act shall be required to obtain any license or permit to operate the same."[2] Colorado provides: "*No city or town* shall require of any person any license fee for any motor car or trailer in addition to the registration fees to be paid to the secretary of the state or his agents, as provided for in this act."[3] The state statute either makes the state tax exclusive, exempts vehicles from further taxation, or prohibits political subdivisions from taxing them. Such prohibition does not affect the taxing of commercial vehicles for hire and they are generally taken up under a different section or division.

In seven of the states the opposite view has been held, and municipalities have been specifically authorized to tax private vehicles. Arkansas, for example, provides: "Cities of the first class are *authorized* to require residents of such cities to pay a tax for the privilege of keeping and using wheeled vehicles, except bicycles, but such tax shall be appropriated and used exclusively for repairing and improving streets of such city."[4] The statute sometimes includes cities of the first, second, and third classes, but there is usually the provision that the proceeds shall go to street repair and improvement, which seems to follow out the theory upon which the tax is based. The above case represents an example of the demand of a city resulting in state authorization.

The remaining sixteen states either have not considered the problem of sufficient intensity to pass a law in regard to it, or are satisfied to let the cities tax such vehicles under their general tax power. Whenever a conflict arises the case is taken to court and settled by an interpretation of the state constitution in regard to the city's tax power. In six states the tax is found without specific authority, while in the remaining ten the courts have either decided against it or have not

[1] Materials gathered from state statutes and checked by letters from the secretaries of the states.

[2] New Jersey, *Cumulated Supplement to Compiled Statutes*, I, 1911–1924, § 135–64, (2), p. 1995.

[3] Colorado, *Compiled Laws of Colorado*, 1921, ch. 33, § 1341 (c), p. 2031.

[4] Arkansas, *Digest of the Statutes of Arkansas*, 1921, ch. 127, p. 2031.

been faced with a problem requiring settlement. The above cases represent the three stands taken by the different states, and although there is considerable variance among them the actual results will fall into one of the classes mentioned. By way of illustration it would be best to consider Illinois, which is probably the leading state in this new form of taxation.

THE SITUATION IN ILLINOIS

Illinois falls into the classification of those states which have a statute in regard to the subject. Chicago, Evanston, Willamette, and Oak Park are the cities in which the tax has attracted considerable attention. For the purpose of this article Chicago will best explain the situation. The present tax is based on an act of the legislature in 1907 [1] which authorized the city to levy a tax on vehicles. The city ordinance adopted in 1908 provides as follows: "It shall be unlawful for any person, firm or corporation residing within the city of Chicago, to use . . . any motor vehicle upon the streets . . . of the city unless . . . licensed as herein provided. . . ." [2] This calls for the payment to the city clerk of annual fees in accordance with the following schedule:

One-horse wagon or vehicle	$5.00
Two-horse wagon or vehicle	10.00
Three-horse wagon or vehicle	15.00
Four-or-more-horse wagon or vehicle	30.00
Motor-bicycle or tricycle	3.00
Passenger automobile, motor ambulance or hearse—35 horsepower or less	10.00
Passenger automobile, motor ambulance or hearse—more than 35 horsepower	20.00
Auto delivery vehicle or trailer—capacity of one ton or less	15.00
Auto truck, bus, coach or trailer—capacity over one ton	30.00

[1] Illinois, Law of Illinois, 1907, ninety-sixth, p. 43.

[2] Chicago, Chicago Municipal Code, 1922, art. xvii, 4064, p. 1110.

COMBINED WHEEL-TAX SCHEDULES OF CHICAGO, EVANSTON, WILLAMETTE AND OAK PARK, ILLINOIS

(Unit—$ per year)

Vehicles	Chicago	Evanston	Willamette	Oak Park
Private Passenger Cars:				
35 horsepower or less	$10.00	$5.00	$5.00	$5.00
More than 35 horsepower	20.00	10.00	10.00	10.00
Electric	....	5.00	....	5.00
Commercial—For Hire:				
35 horsepower or less	....	10.00	....	10.00
More than 35 horsepower	....	20.00	....	20.00
Taxicabs	....	....	10.00	....
Trucks (Delivery, etc.):				
Capacity one ton or less	15.00	15.00	....	15.00
Electric one ton or less	....	15.00	....	....
Two tons or less, above one	....	20.00	10.00	30.00
Auto trucks, buses in excess of two tons	....	30.00	....	....
Electric excess two tons	....	30.00	....	....
Auto bus, truck, trailer one ton or more	30.00	....	....	....
Motor Cycle	3.00	5.00	5.00	3.00
Horse-drawn Vehicles:				
One-horse	5.00	2.50	3.00	5.00
Two-horse	10.00	5.00	5.00	10.00
Three-horse	15.00	15.00	8.00	15.00
Four-horse	30.00	....	....	25.00
Six-horse or more	....	....	....	35.00
Milk wagon	....	....	5.00	....
Ice wagon	....	....	10.00	....
Additional wagons, each	....	....	2.00	....

NOTE.—Compiled from actual schedules for 1926.

"All revenue derived from such license and transfer fees shall be kept as a separate fund and used for paying the cost of street and alley improvement and repair." [1] It is apparently intended by this process to have the vehicles which wear out the streets pay for their improvement and repair. The income from such revenue has increased from $440,253.93 in 1908 to $4,186,886.00 in 1926 (see table).

CHICAGO WHEEL-TAX INCOME BY YEARS [2]

Year	Collections
1908	$440,253.93
1909	504,197.75
1910	566,191.57
1911	591,147.08
1912	603,282.70
1913	682,135.10
1914	730,536.81
1915	768,027.78
1916	992,717.86
1917	1,135,650.76
1918	1,134,761.17
1919	1,368,940.68
1920	1,075,325.39
1921	2,132,790.94
1922	2,534,822.44
1923	3,080,224.85
1924	3,562,458.00
1925	3,883,886.00
1926	4,186,886.00*

* Based on estimate of superintendent of the city's license bureau.

Machines so licensed are furnished by the city clerk with a metal plate setting off the year and the class to which the vehicle belongs. These must be carried in a conspicuous place on the vehicle. It is noteworthy that the ordinance only concerns the vehicles owned by residents of the city and not those outside who frequently find it necessary to pass through Chicago. The advocates of the tax point to this example as to just what can be done, and at present seem to have quite a grip on the situation in Illinois. On the other side we have those who condemn it as double taxation and so the battle goes on.

[1] Chicago, Chicago Municipal Code, 1922, art. xvii, 4071, p. 1112.

[2] Materials from department of public works.

BOSTON'S PROPOSED PARKING TAX

As indicative of the attempts of the city to utilize cars for income, the comparatively recent attempt at a parking tax in the city of Boston, Massachusetts, is interesting. Whereas the "wheel-tax" is a fee for running a vehicle, the parking tax is a fee for standing it. In 1926 the Special Committee on Municipal Revenue, appointed by Mayor Nichols of Boston, advised the imposition of a $5.00 per annum tax for the privilege of parking on any of the streets within the limits of the city. At the public hearing upon this proposal opposition developed and the matter was temporarily dropped.

From the above it is possible to get a fair idea of the how and the why of the so-called "wheel-tax." At the present time the subject is a live one, and with the development of the automobile as a legitimate subject of taxation statutes in regard to it have aroused considerable attention in the last decade. As the vehicle mounts in importance and municipal costs climb, legislatures will follow their natural bent and settle the matter one way or another. Should such an increase in legislation follow it is quite possible that some general principle will become established. This would come as quite a welcome change to the present condition of legislative chaos.

THE BICAMERAL PRINCIPLE IN THE NEW MEXICO LEGISLATURE[1]

BY JOHN E. HALL
Northwestern University

The possibilities latent in the bicameral system when one party dominates the senate and the other the house. The results justify the National Municipal League's proposal contained in our Model State Constitution for a single-chamber legislature. :: :: :: ::

When the earliest state constitutions were adopted, the bicameral principle had long been in operation in all but three or four of the colonies, now coming to be called states. It had become almost universal as a result of political antagonisms which sooner or later developed between the aristocratic and democratic elements within the colonial legislatures. By giving each of these elements a check upon the legislative activity of the other, bicameralism seemed to offer a fairly satisfactory *modus vivendi* throughout most of the colonial period. Practically all the states which have since been added to the original thirteen have adopted the bicameral system with little or no careful balancing of the relative advantages of single-chambered and double-chambered law-making bodies. Vermont stands out as the one notable exception. There the unicameral legislature endured until 1836; and the story of its operation and eventual abandonment remains yet to be written.[2]

Within the past ten or twelve years, however, the utility of the bicameral legislature as an instrument of democratic government has been vigorously challenged. Two carefully prepared studies of the operation of the bicameral principle in three states have appeared, the conclusions to be drawn from which are, on the whole, distinctly unfavorable to the bicameral system as exemplified in our state legislatures.[3]

The author of the present study was a member of the Seventh State Legislature of New Mexico (1925), and thus had an opportunity to study the operation of the bicameral principle at first hand.

CALIBER OF UPPER HOUSE HIGHER

The New Mexico legislature is numerically small, inasmuch as the state is young and sparsely settled. The senate has only twenty-four members and the house forty-nine. These numbers are definitely fixed by the constitution,[4] and there is no provision for increasing the membership by

[1] This article was awarded the second prize ($100) in the Harris Political Science essay contest in 1926.

[2] See T. F. Moran, "Rise and Development of the Bicameral System in America," *Johns Hopkins Univ. Studies in Hist. and Pol. Sci.*, XIII (Baltimore, 1895).

[3] The studies referred to are D. L. Colvin's *The Bicameral Principle in the New York Legislature, 1910* (1913), and May Wood-Simons' "The Operation of the Bicameral Principle in the Illinois and Wisconsin Legislatures," *Illinois Law Review*, XX, 674–686 (Mar., 1926). Recent activity in favor of unicameral state legislatures is summarized in Ogg and Ray, "*Introduction to American Government*," (1926) pp. 631–2.

[4] Art. IV, sec. 3.

redistricting as the population increases. Senators must be twenty-five years of age at the time of election; representatives must be twenty-one. In other respects the qualifications for membership in the two chambers are the same. Furthermore, identical voting qualifications are prescribed for the electors who choose the two bodies. The geographical districts from which senators and representatives are elected overlap in many instances, and in others, the boundaries of the two districts coincide. The members of the respective chambers thus do not represent essentially different constituencies —a reason frequently put forward in other countries, and in this country at a much earlier date, as a justification of bicameralism.

The members in 1925 were of many professions and occupations. In the senate were three lawyers, four stockmen, five merchants, two editors, two doctors, two real estate men, two ministers, one mine-owner, and one automobile salesman. The senator from Quay county was a railroad conductor and a member of the Brotherhood. Two of the lawyers were outstanding men in their profession in the state. In the house there were thirteen farmers, six stockmen, two editors, one author, one law student, two housewives, four lawyers, four merchants, three real estate and insurance men, three clerks, one teacher, one lecturer, one mechanic and seven representatives of miscellaneous calling.[1] Seven of the senators had had previous legislative experience. Ten members of the house also had had legislative experience in New Mexico and one each in Illinois and Missouri. There were twenty-one members of the house who were of Spanish descent.

[1] *Biennial Report of the New Mexico Joint Legislative Board of the Transportation Brotherhoods.* (Santa Fe, 1925), pp. 30–31.

It can fairly be said that the caliber of the members of the senate was superior to that of the house. In the upper chamber was found a larger proportion of professional men, of college trained men, and of members who had had previous legislative experience. The senate was also composed of older and more mature men.

THE TWO HOUSES DIVIDE PARTY CONTROL

Another phase to be considered before taking up the actual work of the legislature is the political atmosphere in which the two chambers functioned, in other words, the party alignment. The returns of the elections of 1924 gave certificates of election to twenty-four Republicans and twenty-five Democrats in the house; and to thirteen Republicans and eleven Democrats in the senate. One of the Republican senators, however, died on the third day of the session, leaving the Republicans in control of the senate by one vote. The Democrats had control of the house by the same margin. Governor Hannett, Democrat, was elected, on face of the returns, by only 199 votes. It is not surprising, then, that "quo warranto" proceedings were filed against him by his opponent.

These party divisions were naturally reflected in the organization of the legislature. There were thirteen standing committees in the senate with membership ranging from four to ten each. The ratio of party representation on the committees was two to one, thus giving the Republican complete control of all the committees. These committees handled all the business of the senate until the eleventh day before adjournment, at which time a steering committee was created, consisting of six Republicans and four Democrats. At the time of its creation, the senate adopted a resolution which ordered that "all bills in the possession of the chair-

men of the standing committees be delivered to the chairman of the steering committee who will be in charge of the calendar until the end of the session."[1]

In the house there were fourteen standing committees, appointed by the speaker, with membership ranging from six to eight. As in the case of the senate, the speaker appointed, on the tenth day before adjournment, a steering committee of twelve members, consisting of eight Democrats and four Republicans; and all standing committees were then automatically relieved of further consideration of bills. This steering committee wielded much power in the closing days, and must be held responsible for much of the turmoil which characterized the last hours of the session. The committees of both houses were powerful and, at times, highly arbitrary in their conduct. As no specified time was set for their meetings, they convened only upon the call of the chairmen. No calendars were kept, and no minutes of the proceedings were preserved. Furthermore, there is nothing in the state constitution or in the rules of either house to compel a committee to consider or report a bill. As a result, many bills were deliberately smothered or pigeonholed in committees. Most of the committee meetings were held in the forenoon, although there were a few evening meetings. They were open to any and all members who cared to appear in behalf of their pet bills. By a vote of the committee, counsel and witnesses were allowed to appear in behalf of, or in opposition to, any bill before the committee. In a few instances such wide interest was aroused in certain bills that advance notice of open and public hearings on such bills was given. Such hearings were held on the national guard bill, the bill to regulate commercial bus lines, and on the question of ratifying the Child-Labor Amendment. Open joint-committee sessions were held on the conservancy district bill and on the education code. These were the only instances where committees from the two chambers met for open joint hearings.

With the control of the legislature thus evenly divided, it might seem that a healthy rivalry would exist between the two chambers, and that each would eagerly scrutinize and revise the work of the other, for both political parties were active, aggressive, and eager to gain public favor for the ensuing elections. The sharply contrasted party divisions in the two houses served to bring out strikingly certain unfortunate possibilities inherent in the bicameral system. Because of their narrow margin of control, the Democratic house majority undertook to oust three Republicans, two of whom held certificates of election from San Miguel county and the third from Guadalupe county, this action being based upon charges of wholesale corruption in those counties. The question of the right of these three members to hold their seats was referred to the committee on elections, which went to Las Vegas, the county seat of San Miguel, took testimony of witnesses and heard counsel. The entire house sat until midnight one evening as a committee of the whole to hear additional testimony and counsel for both contestants and contestees. After eighteen days of careful study the committee recommended that two of the contestees be unseated. The recommendation was adopted by the house on a straight party vote of 25 to 24. On the twenty-third day of the

[1] The printed sources used in the preparation of this paper are the *Journals* of the house and senate; the Statutes of 1925, and copies of the house and senate bills.

session the committee on elections recommended that the third member be unseated. This member, Mrs. R. R. Larkin, was one of three women in the house who held certificates of election. She was president of the State League of Women Voters, and was a very capable and influential member. But she was the victim of unfortunate circumstances; the forgery which gave her a certificate of election was perpetrated without her knowledge. It was therefore only after a careful study of the facts that she was unseated, and the state lost much in being deprived of her services.

POLITICAL ANIMOSITIES HIGH

The Republican members felt that they had been the victims of steam-roller tactics, and political animosity rose to a white heat. They found some consolation in the action of the senate which soon staged a hasty reprisal. On the day following the unseating of Mrs. Larkin, the senate elections committee introduced a resolution to unseat two Democratic senators, who, it was alleged, had been illegally elected. The resolution charged that several hundred votes which had been credited to the contestees were illegal and void because of stickers attached to the ballots. Under the laws of the state, stickers have the effect of mutilating the ballot and thus rendering it void. These stickers were not used merely by or for the contestees, but were placed on all the ballots in that senatorial district by the county clerk to obliterate the name of a progressive candidate for state treasurer who had withdrawn from the race. Thus, the ballots cast for the contestant were also mutilated and void. No previous warning of this contest action had been given, and even the Democratic members of the elections committee did not see the resolution before it was introduced. No answers to the charges against the contestees were heard, no testimony of witnesses was introduced, and debate on the floor of the senate was suppressed by a ruling of the chair. Here, the steam-roller was functioning at its best. Under a storm of protest and amid confusion the resolution was passed in less than one hour after it had been introduced by the Republican members of the committee. That this action was clearly a reprisal against the house is shown by a section in the resolution which states that "It seems . . . to be true that the eviction of said representatives finally resulted from political dragooning." There may have been some merit in the senate contests, but there was certainly no justification for the hasty disposition of them. The liberal members of the party in the state were disgusted at this action of the senate and characterized it as "atrocious." Political hatreds by this time were at a boiling point, and there was still more fire ahead.

The Democratic house retaliated by starting impeachment proceedings against Lieutenant-Governor Sargent for illegally opening ballot-boxes in Rio Arriba county. This was a cheap and undignified political gesture, for, under the circumstances, the Republican senate would not have ousted their president even if the house had sustained the charges and had passed the resolution. A few days later this matter was dropped by the house without putting it to a vote. But while it was before the house, it aggravated an already bad situation, and widened the breach between the two chambers. This continual political warfare and sniping consumed the first twenty-two days of the session; practically no bills were passed during that period. As the discord between the two chambers seemed likely to continue and thus prevent the two bodies from coöperat-

ing on any important legislation, many members urged that the legislature adjourn *sine die*. It is important that the reader bear this partisan situation in mind, for it inevitably colored and affected the product of the legislative mill.

ARGUMENTS FOR BICAMERAL BODY TESTED BY EXPERIENCE

Having seen something of the unfortunate extent to which party divisions were accentuated by the two-chamber system, we may next take up the two principal arguments advanced in support of the bicameral system in this country and apply them to the work of the New Mexico legislature in 1925. These stock arguments are: (1) that a second chamber insures a jealous examination and a critical revision of the bills of the other chamber; (2) that a second chamber affords a check on hasty, ill-considered, and otherwise undesirable legislation because the period of delay interposed by the required concurrence of the second chamber facilitates the exposure of defects in proposed legislation.

First, let us examine rather minutely the work of the senate as a revising agency. A total of 387 bills were introduced in the two chambers, and of this number, only 18 were duplicates, *i.e.*, identical bills introduced in both chambers. Of this total, 249 bills originated in the house and 138 in the senate. Owing to the acrimonious and partisan contested-election proceedings which absorbed the attention of the legislature during the first half of the session, only 95, or 39 per cent, of the house bills and only 40, or 29 per cent, of the senate bills were introduced during that period. This contributed largely to the congestion and confusion marking the closing days of the session. There was a corresponding inactivity in *enacting* the bills which appeared early. During the first thirty days, or first half of the legislative session, a total of only 3 bills passed both houses and went to the Governor.[1]

THE SECOND CHAMBER AS A REVISING AGENCY

A total of 177, or 71 per cent, of the bills originating in the house, were passed by that chamber; and a total of 90, or 65 per cent of the bills originating in the senate, passed that body. Of the 177 house bills sent to the senate, 98, or 55 per cent, passed the second chamber. Of this number 34, or 34 per cent, passed the upper house in amended form and 64 passed unchanged. Of the 90 senate bills sent to the house, 65, or 72 per cent, passed the house. Of these 12, or 18 per cent, were amended before final passage by the lower chamber, and 53 passed without amendment.[2] Quantitatively, the senate thus appears to have been decidely superior to the house as a revising agency, and this also holds true with respect to the number of amendments per bill. Furthermore, when the nature of the amendments themselves is considered, the senate amendments, to a greater degree, pertained to matters of substance rather than mere form.

House bill 149, the general and departmental appropriations bill, will illustrate this point. This bill originated in the house finance committee. It was passed by the house and sent to the senate five days before adjournment. On the last day of the session, the senate finance committee reported the bill with forty-seven amendments which increased the appropriations

[1] The length of the session is fixed by the constitution. Art. IV, sec. 3, provides that "No regular session shall exceed sixty days."

[2] Minor amendments correcting misspelled words, etc., are not included in these percentages.

over $83,000. The report of the committee was adopted and the bill thus amended passed the senate. As the house refused to concur in the amendments, a conference was arranged. The senate conferees succeeded in forcing concurrence on all their amendments except one small item of $750. In practically every other instance, the senate amendments to house bills were of greater consequence than the house amendments to senate bills.

This record of the senate in amending 34 per cent of the bills of the lower house is remarkable when it is compared with the records of the senate in the states of Illinois, New York, and Wisconsin. These states are chosen for comparison because they are the only ones for which data are available. The New York senate of 1910 and the Illinois senate of 1919 each amended 15 per cent of the house or assembly bills passed; the Wisconsin senate, in 1921, amended 22 per cent of the assembly bills passed.[1] Thus, in comparison with the upper chambers in these three states, the New Mexico senate shows a marked superiority in the percentage of house bills amended. This quantitative basis, however, is not necessarily a true index to the worth of the upper chamber as a revising agency. The mere fact that a second chamber revises a large proportion of bills by amendment does not prove its real worth; it may, with impunity, impair a good bill as well as improve a defective one. The nature of the amendments, therefore, is a safer criterion. Nevertheless, this high percentage would indicate that the senate subjected the house bills to the severest scrutiny. In this connection it will be well to remember the political animosities existing between the two chambers. The writer, being in attendance at the entire session, firmly believes that this one factor was mainly responsible for the jealous scrutiny which the senate gave the bills of the opposite chamber.

Evidence of the unwillingness of the two chambers to coöperate, especially in the case of bills of importance or of political significance, is shown by the fact that each chamber either acquiesced in the amendments of the other or killed the bill, for conferences between the two chambers were held in only two cases. These were the conferences on the education code and on the appropriation bill.

[1] See D. L. Colvin, *The Operation of the Bicameral Principle in the New York Legislature, 1910;* and May Wood-Simons, "The Operation of the Bicameral Principle in the Illinois and Wisconsin Legislatures of 1919 and 1921," *Illinois Law Review*, XX, 685 (Mar., 1926).

(*To be concluded in the next issue*)

BOOKS AND PUBLICATIONS

NOTES ON DEMOCRACY. By H. L. Mencken. New York: Alfred A. Knopf, 1926. Pp. 212.

Demos is dead. Against this worst and wickedest of tyrants at last, at long last, the heroic Helenmaria Mencken, that doughty champion of our oppressed and suffering *intelligentsia*, boldly steps forth; "has at him" in thrilling mortal combat;—aye, and single-handed slays the whiffling, burbling, horrendous *Jabberwockius democraticus!*

Each comma a dagger and every period a rifle shot; each paragraph a burst of machine gun fire and every chapter the detonation of ten thousand pounds of TNT,—the high argument of H. Ruthless Mencken never flags nor falters, nay like a million Klaxons it shrills in glorious bally-hoo through two hundred and twelve breathless pages. In short [and ugly] words he sets forth the true nature of the mob, *alias* the democratic electorate, as composed of morons, all terror-ridden, envious, wolfish, incapable, boss-ruled, pornographic and lecherous, espècially pornographic and lecherous. As to our democratic officialdom,—*pfui Teufel!*,—with "occasional exceptions",—not specified,—it is worse than the muddy source whence it sprung: the lower house of Congress is a singular compound of vermin, male Magdalens, and unconscionable jackasses; the senate is infested with party hacks "whose backbones have a sweet resiliency"; the courts are presided over by preposterous shysters, the Supreme Court in particular suffers from senile deterioration; of recent presidents one got into office on false pretences, another was a violent and shameless demagogue; the public service is a mere refuge for prehensile morons; *et caetera, et caetera, et caetera, ad nauseam, ad infinitum.* Q. E. D.

To the pure, who are not Puritans, all things are pure. Certain details of the cogent and temperate argument recited above make this almost painfully apparent. Thus, softly sighing for a government by gentlemen, H. Chaste Mencken observes that those who argue for it "simply argue in words but little changed, that the remedy for prostitution is to fill the bawdy-houses with virgins." Mindful of the sweet innocency of his readers our author in explanation of this tactful thrust is moved to add the following sapient sentence, which really should have been printed in words of one syllable, thus: "this last de-vice would ac-com-plish ver-y lit-tle: ei-ther the vir-gins would leap out of the win-dows, or they would cease to be vir-gins." O marvellous mentality! twice marvellous perspicacity!! thrice marvellous pudicity!!! Again, woman suffrage is done to death at one fell blow; it "has substituted adultery for drunkenness as the principal divertissement at political conventions, but it has accomplished little else." In the good old days, twenty years ago, before the direct primary supplanted conventions there were few of the latter, even of the county or district variety, which did not in themselves furnish much better amusement than any species of adultery, either plain *à la yokel* or as fancy as the guileless imagination of a Monsieur Henri La-la-la Ménckène could conceive it. Ah, but our antidemocratic prophet is infallible even as the Pope; there must, indeed there must be, some mystic meaning in his inspired dictum regarding the divertissement of adultery at non-existent conventions, a deeper esoteric meaning far transcending all mere limitations of time and flesh and facts.

Accused, tried and condemned; hanged, drawn and quartered; excoriated, cremated and damned all within two hundred hectic pages, democracy, no matter how stupid and evil, nevertheless leaves a perceptible vacuum behind. Here for once our oracle seems to falter. Fear not, faint heart, 'tis only seeming. Earlier he has supplied the only possible answer. What this country really needs is not a good five-cent seegar: no, it needs a Government of Gentlemen. Obviously it is the author's modesty alone which prevents open avowal of the necessary finishing touch. H. R. H. M-nck-n Himself should,—nay, must,—be chosen Sovereign Incorruptible First Gentleman of this Great Government of Gentlemen. Who can doubt that then, then at last and forever, all would be well with America?

In short, the *Notes on Democracy* is an amusing book. All our little groups of serious thinkers should debate, solemnly and prayerfully, the question whether it assays three and a half percent or only two and three quarters percent of verisimilitude. The rest may be put down at once as rather monotonous humor, slightly off

color and reminiscent of garbage in spots, or simply as the querulous mouthings of a common scold.

ROBERT C. BROOKS.

Swarthmore College.

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A TREATISE ON THE LAW OF PUBLIC UTILITIES, INCLUDING MOTOR VEHICLE TRANSPORTATION. By Oscar L. Pond, A.M., LL.B., Ph.D. of the Indianapolis Bar. Third Edition, Indianapolis: Bobbs-Merrill Co., 1925. Pp. xcviii–1065.

The author's introduction shows that the present edition is not a reprint with additions. The work is almost rewritten, though it follows closely, chapter for chapter, the plan of the second edition. Many sections are added, and some whole chapters, covering regulation of motor vehicles, appeals from commissions, and a digest of state regulations, restriction and tax on motor vehicle carriers down to January 1,1925, in Indiana to April, 1925. This digest is a substitute for an appendix in the second edition containing the utilities acts of New York, Wisconsin and Indiana.

It was said that the work is almost rewritten. This applies to the relatively small portion written by the author. The work is largely made up of quotations from decisions, threaded on the string of the author's lines so as to make a continuous strand. One could wish that the author had, in places at least, injected himself into the work more than he has done. On pages 461, 529 and elsewhere are references to the vain efforts of the public to protect itself by insisting on competition and throttling monopoly. In sections 901–908 is some tracing of the abandonment of these futile efforts and resort to regulated monopoly. In the chapter on additional servitudes there is traced the tendency from narrow to broader views of the uses for which streets are intended, changes coming as new means and methods come with the advance of science and invention.

It would have been interesting and full of valuable suggestion if in like manner the author had traced the changes from perpetual franchise to franchise for a limited term, and then to an indeterminate franchise such as is now on trial in Wisconsin and Indiana, and to some extent in a few other states. Then there is the changing use of the highways. At page 510 it is said that the state may prohibit the use of the streets for private business. May it permit the use of the streets for private business, except for such uses as are open to all by way of travel? May a private telephone line use the highway, or a private pipeline, like the Uncle Sam Oil Company in the Pipe Line Cases? And may the state require an auto truck owner to secure a certificate of convenience and necessity, which incidentally may be refused, in order to carry on a private contract only? And if he secures such a certificate must he become a common carrier? The cases in Utah and California, the latter but just reversed by the United States Supreme Court, are raising new issues here, growing out of motor vehicle traffic.

Much might be said of the author's treatment of reasonable rate, going concern value and valuation.

The treatment of that *ignis fatuus*, "going concern value," is very scant. The cases to be sure are very unsatisfactory, as they are on valuation. But what shall be said of the statement, in section 599, that "the actual present market value of the plant" is the ultimate practical basis for determining the rate base? Evidently the author does not agree with the many statements in the decisions that in the case of public utilities there is, properly speaking, no such thing as market value. The author treats market value and worth as a going concern as convertible terms. Neither one throws much light on the determination of the rate base, but the latter is about as definite as most of the decisions to date.

The former editions of this work had secured a recognized position with the courts and the profession. The present edition adds much to its value in a field that is large and rapidly growing, and that as yet has few texts. It is a valuable mine of authentic information.

EDWIN C. GODDARD.

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INTRODUCTION TO THE STUDY OF PUBLIC ADMINISTRATION. By Leonard D. White. New York: The Macmillan Co., 1926. Pp. 495.

The adequate study of public administration in our colleges and universities has long been impeded by the absence of a suitable textbook. While a large amount of literature on the subject has grown up within the past few years, yet in general it lacks concentration, simplicity, and comprehensiveness, which are essential for the beginner. Reports of commissions and the

like, and monographs on special problems, while invaluable to the advanced scholar, are much too voluminous and diffuse for the young student. They also treat their subjects from a technical standpoint which he has not as yet attained; and in their very nature they never survey the field of administration as a whole.

Dr. White of the University of Chicago is to be congratulated on taking the first steps to remedy this situation. The present book is written, as he explains, upon four assumptions: "that administration is a single process"; "that the study of administration should start from the basis of management rather than the foundation of law"; "that administration is still primarily an art . . . but [there is a] significant tendency to transform it into a science"; "that administration has become, and will continue to be the heart of the problem of modern government."

The first of these assumptions is very significant, since on such a basis it is possible to deal with administrative questions as problems, independently of particular governmental units. The view cannot be too strongly emphasized that the majority of important administrative problems are common to each and every governmental organization. The assumption that the basis for the study of administration should be management rather than law is also sound from every standpoint.

A strong point of the book is its emphasis upon the important problems of organization, relationships and control. Too often questions of territorial distribution of powers, reciprocal relationships of authorities, the location of the organizing authority, and methods of control, have been altogether neglected or have been treated as of slight importance. Professor White avoids these errors; but the reviewer feels that he might have devoted much more space to these subjects with advantageous results.

It is rather surprising to find that the book contains no chapters on financial administration, for this has been one of the chief lines of administrative activity to which scientific study has been given during the past twenty-five years. The fact that financial administration is discussed only incidentally and largely by way of illustration in the chapters on integration, constitutes a decided fault in the book. Another example of a certain lack of balance and proportion is the fact that nearly one-half of the book is devoted to the single question of personnel administration.

The book is filled with illustrative and source material which should make it very useful, particularly for colleges and universities with small libraries which cannot afford to collect many original documents. At times, however, the bulk of this material rather weakens the statement of the theory.

For a study involving the general problems of administration, perhaps more reference should have been made to European experience. Certainly the references, both domestic and foreign, should have been rechecked more carefully, so that such a slip as a present tense reference to the defunct Bundesrat (page 400) might have been avoided.

The outstanding value of the book is its unified attack upon the subject. Professor White has done notable pioneer work in outlining the subject of public administration within the limits of a single volume, which is simple enough to be understood by the beginner, and interesting enough to stimulate him to further study.

F. F. Blachly.
Institute for Government Research.

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Problems in Municipal Government. By A. Chester Hanford. Chicago & New York: A. W. Shaw Company, 1926. Pp. xi, 457.

Professor Hanford presents this volume as a step toward the development of the case method of instruction in municipal government. It is in a sense a laboratory manual setting forth the facts of a particular problem on the basis of which the student is expected to work out a possible solution by applying the concepts and conclusions which have been developed from lectures, textbooks, and assigned readings. The purpose of the author, in brief, is to stimulate the interest of the student in the subject of municipal government by referring him to concrete situations which will illuminate principles and possibly generate new ideas.

The author arranges forty problems under the heading "Municipal Government" and fifty-seven problems under the heading "Municipal Administration." Each of these problems covers an actual case which has recently arisen or is now pending in a particular American city.

One certainly cannot quarrel with the very laudable motive Professor Hanford has in presenting this volume, that is, to train students "to think for themselves, and to do real mental work instead of having it done for them." Sole dependence upon either the lecture-textbook method or the case method is open to serious criticism.

In view, however, of the practical exigencies of the situation, one is confronted with numerous questions in considering the adaptation of Professor Hanford's volume: In the first place, it would hardly be feasible to analyze fairly and with a satisfactory degree of thoroughness a number of the problems outlined in the manual, unless the student had the assistance of a research bureau or special library containing a wide variety of source material. For example, on the basis of an eleven page discussion of the history of the Detroit street railway system, can a student give more than a very superficial consideration to the questions which are listed for him to answer at the end of the statement of facts: "Should Detroit have adopted municipal ownership or the service-at-cost plan for the street railway system?"

The instance cited suggests the further comment that there is both danger and difficulty in considering problems apart from their setting and background. A problem that might arise in Pittsburgh, Pennsylvania, might require a very different solution from the same type of problem which has actually arisen either in Detroit, Michigan, or in Manchester, New Hampshire. Only a genius can generalize on the basis of one experience.

Finally, in a few of the cases the existence of a real problem is not always apparent, or at least the facts given hardly suggest a problem. Also where all the facts and arguments cited with reference to a particular situation make one conclusion irresistible, there is little possibility in such instances of arousing the curiosity of the mentally active or intriguing the mind of the intellectually passive. The reviewer here refers to the problems outlined under the sub-topics, "The Awarding of Contracts" and "Contract versus Direct Labor Methods."

The reviewer believes that the distinctive merit of the volume lies in the challenge it presents to existing methods of instruction in courses of municipal government and administration.

Martin L. Faust.

University of Pittsburgh.

Proportional Representation. By Clarence Gilbert Hoag, A.M., and George Hervey Hallett, Jr., Ph.D. New York: The Macmillan Company, 1926. Pp. xx–546.

The appearance of this very useful volume still leaves unsatisfied in this field two vital needs: first the need for a series of intensive, non-partisan, non-national studies of P. R. in operation both in the United States and elsewhere, following the excellent plan used by Raymond Moley and Charles A. Bloomfield in Ashtabula, reported in the Review for November, 1926; second, the need of a fascinating popularization of the results of these studies in the manner of Edwin E. Slosson.

The authors have done very painstaking and exhaustive work in collecting, analyzing, and compiling up-to-date the general facts bearing on P. R. From the point of view of information their volume is thus a very thorough revision of the old standard volumes by John R. Commons and John Humphreys. Their plan of organization does not depart widely from that used by John Humphreys. The theory of representation and of voting is explained. The defects of the voting systems now in use are pointed out. The history, types, operation, and merits of minority and proportional representation are surveyed. A chapter is included in which by more or less summary procedure all the objections to P. R. are disposed of. Over 240 pages of appendices contain a wide variety of valuable information.

The reader finds here a strong and able presentation of the affirmative side of the question of P. R. by widely known officers of the Proportional Representation League. The negative side is encountered only in the rebuttals of the affirmative and then only as a congeries of phantoms. As an additional buttress of the affirmative, over twenty pages of favorable quotations are offered as Appendix II. And in Appendix XII, where a select bibliography is given, only those materials that are favorable to P. R. are listed. Even George Horwill's volume on Proportional Representation, published in 1925, is not mentioned, although it represents probably the best statement of the case against P. R.

So far as the theory and the principles of P. R. are concerned, few informed persons are now numbered among the dissenters. It is rather on the operation, the practice, the technique, and the results that there is difference of opinion. The intensive research to prove

convincingly the validity of P. R. on these counts still remains to be done.

The authors are champions of the system of the Single Transferable Vote. This is the system adopted by the few American cities that have ventured to experiment with P. R. As appears from the study of Ashtabula by Raymond Moley and Charles A. Bloomfield the concrete achievements during the first ten years have not been ponderable. Everywhere difficulties have been encountered in the use of the ballot and in making intelligible to the mass of voters the principles of the system. These difficulties of the voters are something more than phantoms, and some modifications of the technique of the Hare system will undoubtedly have to be made if that system is to become permanent and popular in the United States.

Arnold J. Lien.

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The Science and Practice of Urban Land Valuation. By Walter William Pollock and Karl W. H. Scholz. Philadelphia: The Manufacturers' Appraisal Company, 1926. Pp. 315.

Assessing officials everywhere—including state tax officials having power of review of local assessments—should read this volume. This is not because they would endorse every theory, practice and conclusion expressed, but because the book is a thorough-going exposition of one theory of appraising urban land. Appraisers generally would profit by its perusal.

The book is an exposition of the unit system of land valuation devised by the late William A. Somers. The work is presented in three parts. The first part outlines the Somers principles of land valuation and theoretical basis of the Somers system. The second describes the practice of land valuation, including the development and use of the Somers curve for city lots, the zone and overlap tables, and corner tables. The third part discusses the social and economic significance of scientific urban land valuation. An appendix contains ten of the 100 corner tables and twenty-five zone and overlap tables.

Mr. Somers began his work in St. Paul in 1886, and subsequently was employed by Chicago, New York, Baltimore, Cleveland, and other cities. Such leading assessing authorities as Lawson Purdy and John A. Zangerle would undoubtedly acknowledge Mr. Somers' contribution to scientific assessment, and certain it is that his unit-foot and depth rule have met with acceptance and have been widely adopted. The corner influence tables have not been generally adopted, probably owing to their complexity and secrecy.

Liberal credit should be given Mr. Somers for his pioneer analyses and resulting rules and formulae. The basis of comparative valuation is stated as follows: "There is a mathematical relation between the value of any two city sites affected by the same street influences." The Somers system would obtain the opinion of the community as to values, and apply that opinion mathematically. The sole unit for measuring land would be the "unit-foot"—a single foot frontage, 100 feet deep, of an inside lot. A depth table would apply for lots varying from this standard. (Incidentally, a revised depth table appears on page 90). Values for corners, irregular lots, and certain external factors of value would be considered for each site, and recorded on lot and block maps and permanent record cards.

Upon a consensus of community opinion really rests the secret of satisfactory assessing. In this connection, it will be interesting to note the outcome of the experiment now being made in San Francisco to obtain such community expression of values. The city has been divided into over one hundred sections, for each of which a committee of citizens is fixing the basic values.

The book is well written, although redundant in places, and is valuable historically. It does not discuss the organization or machinery necessary for satisfactory and continuous assessment in our cities. Assessing requires a fine combination of common sense and judgment with theory, whereas the text would make it appear that satisfactory assessing rests upon extensive computations beyond the scope of the ordinary assessor. The air of commercialism is noted in that only a few corner influence tables are published, thus requiring employment of outside specialists continuously were this phase of the system adopted.

C. E. Rightor.

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Solving Sewage Problems. By George W. Fuller and James R. McClintock. New York: McGraw-Hill Book Co., Inc., 1926. Pp. 548.

In *Solving Sewage Problems* the authors have made an important contribution to the literature of a subject which, because of its urgent nature,

demands attention throughout the country. The book gives concisely the principles of sewage disposal, the present status of sewage treatment, and indicates the most practicable methods of eliminating the objectionable conditions created by the discharge of sewage into water courses.

Both in the first chapter which outlines sewage problems and in the two following chapters which present, respectively, legal and legislative, and administrative aspects of sewage disposal, the authors compare the experience and practices of European countries and the United States. The importance of good management of treatment plants is stressed. It is interesting to note that emphasis also is placed by the authors upon education of the public to obtain the support of public opinion for sewage disposal programs.

The remainder of the 41 chapters, except the last, take up the details of sewage disposal. In the discussion of sewage disposal methods the authors accord most space to the latest developments. For example, a chapter of only three pages is devoted to contact beds, which are now seldom used in new installations, whereas the activated sludge process, one of the most modern, is given four chapters.

A reader familiar with sewage disposal practice soon notes that *Solving Sewage Problems* is down-to-date. Modern aspects of sewage disposal work, such as the biochemical oxygen demand which is assuming more importance in the minds of many sanitary engineers, and the utilization of the gas produced in sewage treatment works, are well described.

The book is particularly fortunate in its discussion of stream pollution and the disposal of sewage by dilution. Furthermore, the authors give special attention to such troublesome problems as the treatment of industrial wastes and the disposal of sewage sludge.

Numerous references are made to disposal plants in the United States and in Europe and much useful information is given concerning the design and operation of these plants. This information is, on the whole, remarkably recent. The book is illustrated by very good pictures of many of the plants which are described.

Covering, as it does, a large subject in a single volume, *Solving Sewage Problems* is necessarily brief. However, a large amount of information has been compressed between its covers. Careful references to sources of material and to more detailed discussions assist the reader.

A non-technical summary occupies the final chapter. This, however, does not conclude the book. The authors, to present more adequately the trend toward regional control of sewage disposal problems without regard for political boundaries, have included an appendix on "Procedures for Controlling Wastes." In a second appendix a more detailed discussion of phenol wastes is given. These wastes which are contributed principally by the gas and coke-oven industries have been troublesome in recent years and the discussion of their disposal is, therefore, particularly timely. A bibliography of publications on phenol wastes is given at the end of this appendix.

CHARLES A. HOWLAND.

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Chicago's Municipal Lodging House.—A detailed analysis of the work of the *Municipal Lodging House* comprises the greater part of the Annual Report of the Department of Public Welfare of Chicago for 1926. Five hundred of the 4,123 men cared for during last winter were interviewed and the results should be of interest to those attempting to solve the problem of unemployment.

* E. C.

The Abatement of Nuisances is the subject of an eight-page monograph compiled recently by Harvey Walker of the League of Minnesota Municipalities. It contains a very clear discussion of the problem of what constitutes nuisances and the exercise of the police power by a municipality in their abatement. The suggested ordinance presented divides public nuisances into three classes: those affecting health, those concerning morals and decency, and those threatening peace and safety. The material here presented should prove of much practical value to cities and villages with this problem before them.

* E. C.

A Selected Bibliography on Housing, Zoning and City Planning in Chicago has been published by the Bureau of Social Surveys of the Department of Welfare of that city. It is a very complete list of available publications in the field it covers, but, although some works of a general nature are included, it is chiefly valuable to those working out the problems for Chicago.

E. C.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, Georgetown University

Damages for Change of Grade of Streets and Highways.—At common law the principle is well settled that a change of grade of a public road is not a basis for a recovery of damages by an abutting owner. For consequential injuries to property resulting from such a public improvement constructed without negligence, the municipal corporation is not liable, unless the liability is imposed by statute. The early English case of *Leader* v. *Moxon,* decided in 1773, recognizing such a liability, was distinctly disapproved by a later case in 1792 in which Lord Kenyon said: "If this action could be maintained, every Turnpike Act, Paving Act and Navigation Act would give rise to an infinity of actions. If the Legislature think it necessary, as they do in many cases, they enable the commissioners to award satisfaction to the individuals who happen to suffer; but if there be no such power, the parties are without remedy, provided the commissioners do not exceed their jurisdiction. . . . Some individuals suffer an inconvenience under all these acts of Parliament; but the interests of individuals must give way to the accommodation of the public."[1]

The English rule was early followed by our courts, when similar actions were brought by abutting owners for damages caused by the leveling, regrading or repairing adjoining highways and streets. In all the early American cases it was held that, where the authority was delegated or the duty imposed by the legislature, the municipal corporation exercising reasonable care and skill in the performance of the work would not be liable to adjoining owners for consequential damages to his premises. Thus in grading and leveling a street, if a portion of the adjoining lot in consequence of the removal of its natural support falls into the highway or access be cut off or rendered difficult, no remedy was given; and this, too, although the grade of the street had been previously established and the owner of the abutting property had erected buildings or made improvements with reference thereto.[2] It is in view of the extent of the easement the public enjoys in highways and streets, whether acquired by dedication or by a proceeding *in invitum,* that the courts will not imply a power in the municipality to purchase land for street purposes, when the statute expressly provides that they may be taken by condemnation, in which action the damages and benefits, actual and consequential, may be determined by a jury.[3] The owner of lands dedicating them to the public for street purposes subjects his remaining abutting property to the same paramount right of the public to make any changes necessary to the complete enjoyment of the easement of public travel.

TWO RECENT CASES

Two important cases involving the application of these principles were recently decided by the highest courts of Pennsylvania and Maryland.[4] The case of *Dobler* v. *Baltimore* was an action against the city and other individual defendants for damages to plaintiff's property occasioned by the lowering of the grade of one of the two streets abutting thereon, so as to leave his lot from ten to twenty feet above the level of the street. The regrading of Clement Street at this point was incidentally for the purpose of facilitating an extension of a belt line industrial railroad from the Key highway to the yards of the Baltimore and Ohio Railroad, which purpose was alleged to be unlawful and not within the definition of a public use. The Court of Appeals, after calling attention to the fact that no damage was shown to have been suffered directly by the alleged unlawful act, pointed out that the regrading and paving of Clement Street constituted a "public use" within the narrowest legal definition of that term, and that the greater incidental advan-

[1] *Cast Plate Manufacturers* v. *Meredith,* 4 T. R. 794. *Leader* v. *Moxon,* 2 Wm. Blackstone, 924.

[2] *Callendar* v. *Marsh,* 1 Pick (Mass.), 418. *Radcliff* v. *Brooklyn,* 4 N. Y. 195. *O'Conner* v. *Pittsburg,* 18 Pa. St. 187. *Goszler* v. *Georgetown,* 6 Wheat 593.

[3] *Trester* v. *Sheboygan,* 87 Wis. 496.

[4] *Hoffer* v. *Reading Co.,* 134 Atl. 415. *Dobler* v. *Baltimore,* 134 Atl. 201. An order denying the plaintiff an injunction had previously been affirmed by the court of appeals, 140 Md. 634, 118 Atl. 168.

tage which might accrue to certain members of the public in no way made it less a public use. Therefore, the court holds that there is no element in the case to take it out of the general rule and the judgment for the defendants dismissing the plaintiff's action is affirmed.

In *Hoffer* v. *Reading Co.*, the Supreme Court of Pennsylvania likewise denied an abutting owner a right to damages in a case in which the elimination of a grade crossing along the William Penn highway was imposed upon the railroad by the public service commission, which directed that not only should the company bear the cost of the new subway, but also pay all consequential damages that might be occasioned by the reconstruction of the adjoining highway. Along one portion of the plaintiff's property the work within the highway lines left the road some eight feet below the established grade, and the public service commission upon application of the plaintiff against the protest of the company gave the plaintiff an award, which was affirmed by the court below. Admitting that in the absence of a statutory provision, the municipal corporation would not be liable for consequential damages thus occasioned, the plaintiff contended that the Public Service Act, authorizing the commission to require railroad companies to pay all consequential damages resulting from such an improvement imposed upon them, justified the recovery in the instant case. The constitution of Pennsylvania (Art. 16, Sec. 8) requires corporations invested with the privilege of appropriating property for public use to make or secure compensation for the rights taken, injured or destroyed, but it is clear that this can have no application to the opening of streets, which must be done by the state or its public agencies.

LIABILITY WHOLLY STATUTORY

In its opinion, the court reviews the statutes imposing upon municipalities liability for damages resulting from a change of the grade of highways and shows that while they apply to townships of the first class, neither the state highway department nor counties and townships of the second class are included within their provisions. "The Public Service Company Act," says the court, "made no change in the law on this point, but simply recognized that adjacent property—which includes abutting property—might be injured by the construction, relocation, alteration, or abolition of a grade crossing and made provision accordingly. . . . But this does not mean that the Public Service Company Law has created any extension or enlargement of the rights of adjacent property owners or that since the passage of that act they are entitled to damages to which they were not previously entitled. Just as before, the injury must be proximate, immediate and substantial in order to permit a recovery. There is nothing in the title of the Public Service Company Act which gives notice of any desire or intention on the part of the legislature to make a radical change or departure from the law in this respect." As prior to the statute referred to there could be no award for damages resulting from a change of grade by the state highway department, this legislation did not extend liability to cover such loss, where the highway improvement is delegated to a private corporation.

In closing, it may be well to call attention to the effect of the provisions in certain state constitutions that no law shall be enacted whereby private property shall be taken or *damaged* for public use without just compensation therefor. In some states, as in Illinois, it is held that this clause requires compensation for the consequential damages resulting from a change of grade of a public highway.[5] But such consequential damages, as in the case of statutory liability, are subject to be offset to the extent that the property is benefited by the improvement, so that in many instances no monetary compensation can be recovered by the adjoining owner.[6]

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Special Assessments—the Front-Foot Rule.—The Court of Appeals of the District of Columbia in its recent decision in *Johnson* v. *Rudolph* et al. Commissioners (16 Fed. 2nd., 525) reversed a decree of the District Supreme Court, dismissing plaintiff's bill in an action to quash an assessment of special paving taxes against lands situated along Rhode Island Avenue, one of the main arteries of traffic in the District. The assessment was made to cover one-half the costs of repaving the street and was levied upon the "front-foot rule" under the authority delegated by the Borland Act of 1916, which made such an assessment for repaving mandatory without the necessity of notice and hearing as required for sidewalk

[5] *Chicago* v. *Jackson*, 196 Ill. 496.
Consumers Co. v. *Chicago*, 223 Ill. App. 132.
Contra, *Leiper* v. *Denver*, 36 Colo. 110, 85 Pac. 849.
[6] *Town of Galax* v. *Waugh* (Va. 1925), 129 S. E. 504.
O'Brien v. *Philadelphia*, 150 Pa. St. 589.

and alley improvements. The warrant for the assessment therefore rested upon an express legislative direction in general terms.

In the property of the plaintiffs was a triangular piece of land having a frontage of two hundred feet on Rhode Island Avenue with a depth varying from one to fifty feet in the widest place. Another portion of the land involved was a rectangular piece fronting five hundred feet on Rhode Island Avenue with an average depth of about one hundred feet. The street at these points was improved with sewerage, water and gas mains and electric trolley lines, so that while the land lay in a more sparsely settled portion of the District, it could not be said to come within the definition of purely agricultural land, although used for that purpose.

The Court of Appeals, in an able opinion by Justice Van Orsdel, in holding the assessment invalid denied that this statutory direction covering all the street that might thereafter be paved was such a legislative declaration of the benefits to the abutting property as would dispense with the requirements of notice, hearing and judicial determination, and that consequently the assessment could not be supported under the doctrine of *French* v. *Barber Asphalt Company* (181 U. S. 324), and was clearly invalid under the doctrines of *Gast Realty & Investment Co.* v. *Schneider Granite Co.* (240 U. S. 55).

The doctrine of the Supreme Court as to assessments by the front foot, as enunciated in Justice Harlan's opinion in *Norwood* v. *Baker* (172 U. S. 269), was later modified in a series of decisions which established the principle that a state legislature may create taxing districts to meet the expense of local improvements and may fix the basis of taxation without encountering the Fourteenth Amendment, unless its action is palpably arbitrary or a plain abuse (*Houck* v. *Little River Drainage District*, 239 U. S. 254). Under the Barber Asphalt case, the front-foot rule was sanctioned as a proper method of defraying the cost of paving a street, on the ground that by such a method the assessments are not likely to exceed the benefits and that the law does not attempt an imaginary exactness or go beyond the reasonable probabilities. But if the law is of such a character that there is no reasonable presumption that justice will be done, and the probability is that the assessment by an arbitrary rule will not be fairly uniform and proportionate to the benefits received, then notwithstanding the legislative declaration the assessment will not be upheld unless the property owners are notified and the amount of each owner's tax judicially determined. (*Martin* v. *District of Columbia*, 205 U. S. 135.)

It may thus be seen that Justice Van Orsdel's opinion is sustained by the decisions of the Supreme Court. In view of the confusion that has resulted by the modification of the clear principles stated by Justice Harlan in *Norwood* v. *Baker*, it may be deemed unfortunate that in its later decisions the court refused to follow the *ratio decidenti* of his opinion, to which he steadily adhered in subsequent dissenting opinions. As the court points out in the instant case, many of the state courts still apply the doctrine of *Norwood* v. *Baker* to the effect that a valid assessment by front-foot rule requires notice, hearing and judicial determination and refuse to follow the more vague and less practical rule established by the Supreme Court in its later decisions. (*Harmon* v. *Bolley*, 187 Ind. 511.)

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Right of Beneficiaries to Recover upon Bonds Given upon Public Work.—The Circuit Court of Appeals of the Fourth Circuit in *Hartford Accident and Indemnity Co.* v. *Board of Education* (15 Fed. 2nd., 317) held that the school board as assignee of the claims of laborers and material men may recover upon a contractor's bond guaranteeing the faithful performance of the contract and the payment of all labor and material bills. This case arose under the laws of West Virginia which prescribed that such a bond shall be required in connection with all public building contracts. One clause of the bond stated that no right of action should accrue upon or by reason thereof "to or for the use or benefit of any other than the obligee named herein; and the application of the surety is and shall be construed strictly as one of suretyship only." Notwithstanding this provision of the bond, the court held that as public buildings in West Virginia are not subject to mechanics' liens the statute is for the protection of those furnishing labor and materials on public buildings and that the bond must be construed in the light of this statute. Therefore, those furnishing labor and materials have rights vested in them under the contract which are subject to enforcement either in an action in their own name or by an assignee for valuable consideration of the claim. The rule that the third party beneficiary under a bond given upon a contract for municipal work is sustained by the great weight of authority.

There seems to be no question of the application of the rule where a statute requires such a bond to be given, as upon federal public works. (*Illinois Surety Company* v. *John Davis Company*, 244 U. S. 376.) A majority of our courts also hold that where such a bond is given although not directly required or authorized by statute it is given for the benefit of the laborers and material men and they may maintain an action thereon. (See also the following recent cases supporting this conclusion: *Ideal Brick Company* v. *Gentry*, 132 S. E. 806; *Standard Time Company* v. *Fidelity and Deposit Company*, 132 S. E. 808; *S. W. Portland Cement Company* v. *McElrath Construction Company*, 11 Fed. 2nd., 910.)

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Recovery Against City in Quasi-Contract.—In *Commissioners of Delaware County* v. *News Dispatch Company* (251 Pac. 606), decided December 14, 1926, the Supreme Court of Oklahoma refused the plaintiff recovery for goods purchased by individual county officers upon the ground that the statute vested the power in the board of commissioners and that it could not be delegated to the individual officers. The application of quasi-contractual liability to the municipal corporations is much more limited than in the case of private corporations because to permit recovery would in fact abrogate the express statutory provisions defining the method of exercising contractual powers. (*Zottman* v. *San Francisco*, 20 Cal. 96; *Hague* v. *Philadelphia*, 48 Pa. 527.) The same court in *Edwards* v. *School District* (246 Pac. 444), decided last April, however, established the doctrine that one who in good faith has sold personal property to a municipal corporation under an invalid agreement may be decreed to be the owner of the property if still in existence and recover it in an equitable action. The long existing rule in Ohio precluding any recovery in quasi-contract against a municipality was modified by the decision in *Sommers* v. *Putnam County Board of Education* (148 N. E. 682). This latter decision was the subject of an extensive note in the issue of the REVIEW of July, 1926.

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Torts—Damages for Change of Grade.—The rule is well established that in the absence of constitutional or statutory provisions imposing liability, there can be no recovery for damages to property caused by the change of grade in a street or highway. In *Speck* v. *Wayne County* (211 N. W. 626), decided January 3, 1921, the Supreme Court of Michigan held that this rule must be applied to exempt the county for damages to plaintiff's property caused by raising the street grade in the construction of a new bridge over the River Rouge in the city of Detroit. A statute adopted in 1919, authorizing recovery of damages caused by the construction of bridges over navigable streams, was held to apply only to cases where bridges were constructed under provisions of that statute. As the construction of the bridge in the instant case was under the provisions of the County Road Law, the court refused to extend the liability of the county by implication.

A somewhat similar decision was recently handed down by the Supreme Court of Pennsylvania in *Hoffer* v. *Reading Company* (134 Atl. 415), in which the liability imposed by statute upon the defendant to pay the consequential damages which might be occasioned by the reconstruction of the adjoining highway so as to eliminate grade crossings was held not to render the railroad liable for damages resulting from the change of grade.

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Torts—Negligence in Care of City Hall.—The Supreme Court of North Carolina in *Pleasants* v. *Greensboro*, decided November 10, 1926 (135 S. E. 321), refused to extend the common law liability of the corporation for acts of negligence. The plaintiff was injured through defective construction and maintenance of steps leading into the municipal building, which was used by the city for the combined purpose of a market place and municipal offices, including that of the water department, and also for an opera house. The portions used for public market and the opera house yielded a considerable revenue to the city. The plaintiff fell upon the main steps of the building while returning from a visit to the tax collector's office.

The court, in affirming a judgment for the defendant, refused to accept the contention of the plaintiff that the use of part of the building for producing revenue subjected the city to the same degree of liability for its care as would be imposed upon a private corporation, maintaining that the injury complained of came under the defendant's use of the building in its governmental capacity.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Public Utility Consultant, New York City

New York Water Power Authority.—The most important public utility matter before any legislature at the present time is the New York "Water Power Authority" proposed in a bill introduced in the legislature on January 24, by Senator Bernard Downing and Assemblyman Maurice Block. This brings to an issue the difference in the "license" policy involved in the Water Power Act adopted in 1921 under the leadership of Governor Miller, and Governor Smith's policy of direct water power development on the part of the state. The license policy under the present Water Power Act follows largely the plan and terms of the Federal Water Power Act. It would grant to private companies the right to develop particular projects, each under a contract for a period not exceeding fifty years, which would provide for rental payments to the state, for a method of rate control, requirements for amortization, and terms of recapture by the state during the period of the license.

IMPORTANCE OF THE ISSUE

Governor Smith has viewed the license policy apparently with increasing disfavor and has sought to retain more complete control by the state itself. Tremendous stakes are involved. New York contains over ten per cent of the potential water power of the country. Its total available amount exceeds 5,000,000 h. p. More important, however, it has more than fifty per cent of its potential power in huge projects at Niagara and in the St. Lawrence. The latter particularly furnishes the crux of the immediate controversy. It alone would make available 2,500,000 h. p., half of which belongs to Canada. The capital cost of its development would be comparatively low, and the supply immensely important to the state. These huge resources are now going to waste; hence a decision as to policy must be reached soon; long delay would be intolerable.

OBJECTIONS TO LICENSE POLICY

The chief objection to the license policy is the difficulty of safeguarding the future control in the interest of the state. The supply naturally involves agreements with Canada, especially the Province of Ontario, and requires the approval of the federal government. Any lease, therefore, covering fifty years may find the state control ineffectual at the end of the period, so that the company may gain a perpetual franchise and might incorporate the huge supply in a general inter-state power system. The state's perpetual control is more definitely conserved under direct ownership than under a license however carefully it may be specifically framed in the interest of the state.

There are also minor objections to the license policy especially as it would exist under the New York Water Power Act. Perhaps the principal criticism is: no definite basis of rate-making is laid down. The licensee in general, would be subject to control by the public service commission under the Public Service Commissions Law. Presumably, therefore, the rates would be fixed in the usual way, and the company would be entitled to the same consideration in rate-making as other public utilities. Presumably it would have the right to a return on the "fair value" of the property as determined under the usual undefined judicial standards. It might require for each rate adjustment a valuation on the basis of reproduction cost, notwithstanding the exact records kept under the license of the monies actually spent in the properties. There would be no exact basis of rate-making and there would be disagreement between the state and the company every time rate adjustments are attempted. Naturally the company would fight every effort to reduce rates, and the state would object to every increase.

DEFINITE RATE BASE NEEDED

Even if the license policy were to be adopted, the rights of the licensee should be exactly defined, and an exact rate base and procedure of rate-making should be provided for. The rates should rest upon exact facts as shown by the accounts, so as to eliminate all differences in interest between the state and the company. No such futile course should be adopted as to grant a license for a huge project of many millions

of investment and to incorporate the same indefiniteness and confusion of rate-making as exist under our ordinary regulatory methods.

A second objection to the license method, under the New York law, appears in the provision for amortization. Although the license would provide for the amortization of the actual investment during the license period, the terms would be flexible, and the respective rights of the company and the state would be uncertain in case of recapture of the properties by the state. The form of the license clearly implies that under certain conditions the company would be entitled to reimbursement on the basis of reproduction cost, notwithstanding amortization on the actual investment basis. There is involved, therefore, not only the objection to reproduction cost as such, but to the inevitable disputes that would arise in the effort to determine at any point what the reproduction cost is.

THE PUBLIC COMMITTEE ON POWER

The objections to the particular licenses drawn up under the New York law, have been formulated by the "Public Committee on Power," which has been organized to study the New York water power situation and to use its influence for the adoption of a sound policy. The chairman of the committee is Mr. Arthur Garfield Hays; the treasurer, Mrs. Gordon Norrie; the secretary, H. S. Raushenbush. The committee, in general, favors Governor Smith's proposal of a "Water Power Authority," but if the license policy should be adopted, the committee will urge the revision of the licenses so as to provide for a definite basis of rate-making, exact provisions for amortization, and precise rights of recapture on the part of the state. The committee consists of leaders in government and public administration, including engineers, economists, lawyers and others who have devoted a great part of their professional life to the study of public utility problems. The report on the objections to the license system as developed up to date in the state of New York was prepared by H. S. Raushenbush, secretary of the committee, Professor Robert L. Hale, of Columbia University, and the editor of this Department.

THE "WATER POWER AUTHORITY" PLAN

Governor Smith's plan is to have a state "Water Power Authority" organized along the same line as the New York Port Authority. He would have a separate public corporation with complete authority over the particular purpose defined within the statute, and with sufficient power to carry out the purposes, including the issuance of bonds, entering into contracts, and constructing and operating the properties. Under this form of organization the state itself through the special instrumentality would be the outright owner and operator of each hydro-electric project. It would generate the power, provide such transmission lines as are necessary, and make arrangements for the distribution of power. It would have the right to enter into contracts with distributing companies or municipalities, would fix the rates for the power thus sold, and would keep complete records of the results of operation. It would be a full-functioning public utility.

The power authority bill provides, however, that a legislative committee shall be established to investigate the entire water power situation and to report its findings and conclusions before any final policy is adopted. This feature of the bill is doubtless a concession to allay political opposition and to enlighten the public as to the facts and issues.

THE RELATIVE MERITS OF THE TWO POLICIES

We frankly believe that Governor Smith's plan should receive the heartiest support of everyone interested in public affairs and progressive policy. While we do not join the general doctrinal group of public ownership enthusiasts, we do believe that in this particular instance it would be a grave mistake for the state to lose direct control over the huge hydro-electric projects. While the ultimate differences in costs under state ownership and operation as compared with private ownership and operation, may not be great, the direct state policy would serve especially in setting a standard for rates which would influence all over the country in the efforts to maintain reasonable rates. The large projects, moreover, are of such a character that the state would be able to realize the maximum efficiency as easily as would private management; capital would be available at a lower rate; and under present conditions there would be the greatest assurance that the "Water Power Authority" would be placed under competent and highly expert control. The ordinary objections to public ownership do not apply. Furthermore, there are no financial complications in instituting public ownership, and the state

would be in a position to avail itself of the most efficient plant available for large scale production, —which is not the case in the great majority of public ownership projects in the field of electric light and power.

DIFFERENCES IN COST

In the interest of fairness, however, we doubt whether so far as mere costs are concerned that there will be any great advantage or disadvantage to the public in having the state development as against private development under proper license control. It is difficult to see any great difference in necessary plant outlay or in the range of operating expenses. The same prices would have to be paid for materials and the same rates for wages. The only considerable differential would appear in the interest rate paid for capital. Private capital under the license system would probably require at least 7 or 8 per cent upon the actual investment. The state would probably be able to obtain the necessary funds at no more than 5 per cent even if the credit of the "Authority" should rest wholly upon the industry itself. If, however, the taxing power is used, capital might be obtained near 4 per cent.

The difference between cost of capital under private and public development is considerable, but would finally not be a great factor in the level of rates charged for power. It is possible, however, that some of this saving would be counterbalanced by a lower efficiency of public operation; but this is improbable. The public operation would have a lower level of administrative salaries; but this would be a negligible factor in the aggregate. So far as the total cost of service is concerned, including operating expenses and return on investment, the difference between private and public ownership and operation would probably be slight. This is especially true if the license system, if carried out, is based upon definite policies and exact facts as above outlined. Furthermore, if definite recapture provisions are included in the license, and if the investment is amortized on a strict financial basis, then the state would have the right to recapture at any time if the private operation proved unsatisfactory at a price fixed by the license.

There is the difficulty, however, that under the present Water Power Act it would be all but impossible to incorporate in a license such definite provisions as are essential to the public interest. Consequently, the present law would have to be materially altered before a satisfactory license system could be worked out. If, however, the law is to be materially altered there would be a large margin of advantage on the side of the proposed "Water Power Authority" because the state would then have in its complete control the development of future policies according to changing circumstances and public requirements.

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Who is Qualified to Value a Public Utility?—An extremely important issue has been presented to the Supreme Court of the United States in an appeal by the *City and County of Denver* v. *E. Stenger* as Receiver of the Denver Tramway Company. This case involves the usual complexities and confusion of a rate case,—which we shall not endeavor to untangle. One point, however, does have great interest in that it affects the municipalities as to the experts that may be employed for rate or other cases to present the valuation and other financial and technical matters from the public standpoint.

In the Denver case, Dr. Delos F. Wilcox was employed by the city of Denver to make an appraisal of the properties and to present the facts completely from the city's standpoint before the master who was investigating the adequacy of the fares. He took charge of the entire valuation, engineering and financial investigation on behalf of the city. He employed engineers and accountants who worked with him and under his supervision in making the valuation and presenting the evidence before the master. The latter included the evidence thus presented in the consideration of the case and in making his findings to the court. Judge Lewis, however, upon receiving the master's findings rejected all the testimony and exhibits offered through Doctor Wilcox and thus left the city practically without evidence in the case on the basis of which the "fair value" and return could be determined. Consequently the judge determined the valuation and necessary return practically altogether on one-sided data, and virtually denied the city its day in court.

The ground for rejecting Doctor Wilcox's testimony was that he was not an engineer and had never constructed and operated a street railway or other utility. This was a novel reason for rejecting the findings of the master who had listened to the qualifications of the witness and had considered the objections made

by opposing counsel. The judge himself had no opportunity to consider Doctor Wilcox's qualifications at first hand, and based his rejection purely upon the general theory that a man must be an engineer and must have constructed and operated a utility property in order to qualify as a valuation and rate expert.

Doctor Wilcox is one of the few eminent and able men who have remained consistently on the public side in rate controversies, who have followed conscience and not the lure of compensation in the great public utility struggles of the past fifteen years. There is no one anywhere, we believe, who understands the principles of valuation and what constitutes "fair value" better than Doctor Wilcox; no one who has had closer personal contact with all phases of regulation from the very beginning of ratemaking; no one who himself has worked more extensively, intensively and intelligently in rate cases; no one who is more really qualified to take charge of an appraisal than Doctor Wilcox. True, he could not himself—nor could anyone else,—testify as a qualified expert in every respect to every phase of valuation covering all classes of property. But this inevitable individual limitation has been reasonably handled in thousands of cases before commissions, masters and courts all over the country during the past twenty years. A generally qualified man has close immediate charge of the valuation; he has competent assistants, but takes responsibility for the work of the assistants; in important special matters, the assistants may testify to corroborate the expert in charge. This is a commonplace procedure and is daily followed in every important case. Doctor Wilcox did what inevitably must be done in a practical world.

The question brought before the Supreme Court of the United States is whether or not a city can thus be summarily excluded in the fashion perpetrated by Judge Lewis. The Supreme Court will decide whether an eminent economist and a man with the greatest practical experience in valuation and rate-making must also be an engineer who has constructed and operated a public utility before he may appear as an expert for the municipalities. If Judge Lewis' position should be sustained, the difficulties of the cities may be greatly multiplied, for most of the few outstanding men who have devoted themselves to the public side in the rate controversies would be made *presto* ineligible, —notwithstanding their ability and experience,— to present evidence on behalf of the cities.

Illinois Seeks Home Rule in Public Utilities.—On January 19, a bill was introduced in the Illinois legislature which seeks to acquire for the municipalities of the state a large measure of home rule in the regulation of public utilities. At present, the municipalities of the state are practically excluded from all control over the utilities serving them even in such matters as are beyond the practical scope of the commission and eventually go by default for lack of attention. In the case of railroads, for example, the municipalities have no power in the matter of crossing protection, but the commerce commission is so overwhelmed with other duties and has such an inadequate staff to handle the great amount of cumulative detail in the various phases of regulation, that the job of crossing protection and local safety devices largely goes by default.

The proposed amendment would return to the municipalities a large measure of control over all the utilities serving them. This would extend to the regulation of quality, adequacy and safety of service, reasonable rates, and inspection of properties. The scope of local control thus conferred upon the municipalities would extend much further than in the states where public utility commissions exist.

Under present conditions there is no doubt that the job of regulation, especially as to ratemaking, is so enormous, covering the large number of towns and cities, the varying conditions and circumstances, that the commissions are practically not doing the work expected of them. Their staffs are mostly inadequate for the purposes imposed upon them. If, however, the municipalities are empowered to fix rates or make other regulations in the first instance, with the right of appeal to the commissions and the courts left to the companies, a large part of the deadlock of regulation that exists at present may be removed. The Illinois bill appears to be a step in the direction of more effective regulation. It is a measure at least that warrants public consideration. If it is enacted into law, the experiment in Illinois will be studied carefully elsewhere, and probably adopted.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY RUSSELL FORBES
Secretary

Boston Finance Commission.—The Finance Commission of the City of Boston is at present at work on the following projects:

Investigation of the 1927 budget of the city of Boston and county of Suffolk.

Study of cases of aid in the soldiers relief department of the city.

Study of the aid granted under the mothers' aid act.

Study of the overseeing of the public welfare department and the problem of public aid in Boston.

⚜

Citizens' Research Institute of Canada.—Many of our correspondents have asked for material on the council-manager form of municipal government. The Institute has decided to reproduce a series issued by the Toronto Bureau of Municipal Research. The first of the series, *The Council-Manager Form of Government, Story No. 1, Its Essential Features,* has already been published.

Work continues on the preparation of the first portion (Canadian Cities) of the *Red Book, Financial Statistics-Canadian Municipalities.*

The second of the Annual Cost of Government series on *Cost of Provincial Government* is in course of preparation and will be issued soon.

Dr. Horace L. Brittain, the director of the Institute, is going to St. John, N. B., the latter part of the month to make a study of community service organizations in that city.

⚜

Delaware Taxpayers' Research League.—The Taxpayers' Research League of Delaware has about completed studies of the bonded indebtedness of the State, the condition of the sinking fund, and the county bonded indebtedness.

The League has also been assisting the Women's Joint Legislative Committee (representing 30 women's organizations in the state) in its consideration of legislation pending in the present session of the general assembly.

The League has under way plans for a statewide campaign to stimulate the interest and participation of citizens in public affairs. Concurrently with this campaign, the League will make a study of the causes and extent of non-voting in Delaware.

⚜

Des Moines Bureau of Municipal Research.—The Des Moines Bureau of Municipal Research is sponsoring a number of bills in the current session of the Iowa legislature.

Among these are bills for permanent registration of voters, a county budget, combined city and school elections, and a proposed bond law sponsored by the League of Iowa Municipalities.

The bill for permanent registration for elections closely follows the Minnesota law. At present the larger cities of Iowa have the general quadrennial registration and any citizen who fails to vote at an election must re-register in the interim. It is estimated by the Bureau that permanent registration would save the taxpayers of Des Moines about $8,000 per year.

The county budget bill aims to correct a defect in county government. None of the counties operate on a budget and consequently deficits accruing in past years have been funded by bonds. The proposed law would require all departments to submit estimates for the ensuing year to the board of county supervisors; and the board would be required to pass an appropriation resolution showing the revenues and expenditures for the two preceding years as well as the estimated revenues and expenditures for the ensuing year. A quarterly statement showing balances in appropriation would be made by the county auditor to the different departments.

The Bureau is also advocating a measure which would permit the consolidation of the school and the municipal elections. At present the school elections occur annually while the city elections are held biennially. School elections fall within two weeks of municipal elections in the even numbered years. The actual saving in the election expense would not be large, but the school system under the proposed change would be freed from the yearly extra labor occasioned

by the election and the disconcerting uncertainty as to its outcome.

Members of the board of education maintain that the terms of office should be arranged so that only a minority of members are elected at one time. This would necessitate six- or four-year terms in place of the present three-year terms. The Bureau of Municipal Research has learned from a number of cities that the school elections have been largely free from municipal politics in spite of combination with municipal elections, and the personnel of the school board so elected has been of excellent calibre.

⚜

Erskine Bureau for Street Traffic Research (Harvard University).—The Albert Russ Erskine Bureau for Street Traffic Research in Harvard University which is under the direction of Dr. Miller McClintock has just been selected by Mayor Malcolm Nichols to direct a comprehensive street traffic survey of the city of Boston. The Bureau has just completed for the Association of Commerce and the city Council the *Metropolitan Street Traffic Survey of the City of Chicago*, and is at present completing a survey in the city and county of San Francisco.

The Boston survey will deal exclusively with matters of street traffic control and the development of new methods of regulation designed to decrease accidents and congestion. The field of the study will lie primarily in urban Boston, but some analysis will be made of metropolitan problems. The survey will cover a period of approximately one year and will result in recommendations regarding proper organization of administrative methods for the future as well as for control methods and installations to be set up immediately.

The mayor has appointed an advisory committee of twenty members, representative of the principal public departments and business interests affected by street traffic conditions. This committee will supervise the general progress of the survey, the technical work of which will be under the direction of the Erskine Bureau.

At the request of the mayor, the Boston city council has appropriated $25,000 to defray the administrative costs of the survey, the commercial interests of the city having agreed to coöperate through the supply of information and other materials for the survey.

⚜

Indianapolis Chamber of Commerce.—Leonard V. Harrison, who has been Director of the Department of Civic Affairs of the Indianapolis Chamber of Commerce since October, 1923, terminated his services on January 1, 1927, to become associated with the Laura Spelman Rockefeller Memorial Foundation. Recently he has been in Boston conducting a survey of the metropolitan police department.

Under Mr. Harrison's administration of the department in Indianapolis, the mayor put the merit system in effect for police and fire departments. Mr. Harrison was most active in aiding the newly formed civil service board in adopting its rules and conducting its first examination for applicants for the position of patrolmen.

⚜

Kansas City Public Service Institute.—Thomas Helsom has been added to the staff of the Public Service Institute to do membership and publicity work. Mr. Helsom formerly had experience in research work with the Minneapolis Civic and Commerce Association.

⚜

National Institute of Public Administration.—The survey of state and county government in Virginia, made by the Institute, has been completed. The Governor's Committee on Consolidation and Simplification of State and County Government is preparing, on the basis of the survey, a program of legislation. A special session of the legislature has been called by Governor Byrd to take up the reorganization program.

Philip Cornick has returned to the staff of the Institute after completing his studies in rapid transit finance for the North New Jersey Transit Commission.

Bruce Smith has been appointed consultant to the Committee on Firearms Regulation of the National Crime Commission. The committee is preparing a model law regulating the manufacture, sale, and use of pistols, machine guns and noxious gases.

The post-graduate students from the School of Citizenship and Public Affairs of Syracuse University have begun a six-weeks' course at the Institute. This course is given to the students each year by the members of the Institute staff as a regular part of their training.

Dr. W. E. Mosher, director of the School of Citizenship and Public Affairs of Syracuse University, has recently been the guest of the Institute. Doctor Mosher is completing his study of public employment administration, which is soon to be published.

Philadelphia Bureau of Municipal Research.—The Philadelphia Bureau has just issued a revised edition of its pamphlet *Philadelphia's Government* which describes briefly the 500 or more local units of city government and shows on a chart, 14 inches by 54 inches, the interrelationship of these units. This second edition incorporates the changes which have occurred in the structure of Philadelphia's city-county government since the first edition was published in October, 1924.

In addition to the city-county government, the text of 41 pages describes, and the chart portrays, the administration of the school district of Philadelphia and of the county courts, which, though primarily a part of the state judicial machinery, play an important part in local affairs. Separate diagrams on the chart show the relationship of the local government to various agencies doing public or semi-public work and receiving aid from the city treasury, and to portions of the state government in which the local government has a direct share.

A lively demand developed, notably in the schools, for copies of the first edition, and it was soon exhausted, but the requests continued to come in. Therefore, to meet the evident need for a publication of this kind, and to present the existing governmental structure, the second edition was prepared.

Copies are available for free distribution to persons interested, upon application to the Bureau of Municipal Research, 311 S. Juniper St., Philadelphia, Pa.

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San Francisco Bureau of Government Research.—With the information obtained by Secretary M. H. Gates on his recent visit to eastern cities, the Bureau is coöperating in a study of pay roll procedure with the object of simplifying present methods. The demand for economy in this phase of the city's business has been accentuated by a charter amendment approved last November which provides that all city employees shall be paid twice monthly.

A study of the San Francisco juvenile probation department has been undertaken at the request of the chief probation officer. The report, which will soon be completed, will deal with simplification of procedure and reorganization along lines generally accepted by the head of the department.

A review of the school building expenditures for the last eight years is being made, as the basis for a report showing the financial status of the school construction program, what the city has received for its money, and the present condition and future needs of the city's school system.

A comprehensive report has been practically completed, dealing with a proposed franchise for a toll bridge across San Francisco Bay, from San Francisco to Oakland or Alameda, for which nineteen applications have been filed with and heard by the board of supervisors. The report will deal with the various proposals, volume and types of traffic, factors determining the best location, maritime requirements, engineering problems, financial feasibility, etc.

The Bureau is also making studies of proposed extensions to the Municipal Railway for which a bond issue of 13,500,000 may be submitted to the people.

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The Commission of Publicity and Efficiency (Toledo, O.).—The Toledo Commission of Publicity and Efficiency has recently completed a survey of the administration of the Division of Inspection, which is charged with building, plumbing, electrical, smoke and weights and measures inspection. This survey has been published in the *Toledo City Journal*, the publication of the commission.

As a result of this survey, recommendations have been submitted to the city administration for increasing the inspectional service supplied on buildings, for maintaining the department on a self-supporting basis, and for speeding up the revision of the building code.

It was found that during 1925 and 1926, the building inspection division was kept on a self-supporting basis largely through the receipts from building permits.

The commission is now engaged in making an appraisal of city-owned land parcels. The records of city-owned property have not been carefully kept. It will, therefore, be necessary to check through all the deeds in the possession of the city in order to ascertain definitely the parcels of land owned by the City.

The commission has carefully followed the movement for the adoption of the city manager plan. This movement has gained considerable headway but nothing definite has, as yet, been done.

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Toronto Bureau of Municipal Research.—The Bureau has published a booklet entitled *Twelve*

Years of Community Service, which gives a résumé of the Bureau's work since its inception.

White Paper No. 108, dealing with the recent civic vote and some suggestions for improvement of municipal government and a bulletin giving the personnel of Toronto city government for 1927 have been issued.

The provincial government of Ontario is proposing certain revisions in the municipal income tax. The director of the Bureau, who is secretary-treasurer of the Ontario Municipal Association, has, at the request of the executive committee of the association, sent our questionnaires to the various municipalities in order to see how the suggested revisions will effect them. When the analysis is completed the executive committee will present their findings to the provincial government.

A study of civic financial control is being made and a series of bulletins dealing with the results over a term of years is being prepared.

NOTES AND EVENTS

Police Chief August Vollmer Stirs Detroit.—For a number of years the Detroit police department has been taking advanced steps in improving its method of selecting personnel, record keeping, operating procedure, etc.

In the summer of 1926, the American Social Hygiene Association, partially on its own initiative and partially at the suggestion of a number of Detroit civic agencies, made a study of vice in the city which indicated that prostitution was rampant and that little effort was being made to curb it. Police Commissioner Frank H. Croul, a highly respected citizen of the city, resented the request of the mayor that he discuss the vice situation with a citizens' committee and resigned accordingly. Superintendent Rutledge was then made commissioner. The appointment of Mr. Rutledge to this office seemed to present an opportune moment for renewing the invitation to Mr. Vollmer to study police conditions in Detroit and invitations were presented to him by the mayor, the police commissioner and the Detroit Bureau of Governmental Research, asking that he serve as a consultant to the police department for a period of three months, the Bureau to underwrite his compensation. This Mr. Vollmer agreed to do. He spent the months of October, November and December in Detroit, working in close coöperation and harmony with the police department. The Bureau at no time injected itself into the situation and received no report of Mr. Vollmer's activities, preferring that he serve the police department directly as adviser and consultant.

It is understood from those acquainted with the situation that Mr. Vollmer's visit was highly successful so far as the police department was concerned. He had the heartiest coöperation of that organization, made numerous suggestions to the officers, many of which are already effective, and on many occasions pointed out to the public the high character of work being done by the police. In the words of the superintendent, "He accomplished exactly what he was supposed to do,—reëstablish the police department in the confidence of the citizens."

During his stay in Detroit, Mr. Vollmer came to the conclusion that no small part of the difficulty with the control of criminal activities in the city was due to defects in criminal judicial procedure, and in particular to the attitude of several judges on the Recorder's Court bench towards crime and the police department. In consequence, after leaving the city, and entirely upon his own initiative and without consulting with either the department or the Bureau of Governmental Research, Mr. Vollmer gave out an interview praising the court in general, but criticizing three of the judges, characterizing one as a lazy psychopath and two as political favorites of the underworld. This criticism aroused considerable interest in the city. Some citizens believed that it would eventuate in a public understanding of the court situation, while others felt that no real good was accomplished. The only direct evidence of results from the interview has been the introduction of a resolution into the state legislature providing for an investigation of the crime and court situation in Detroit by a joint committee of the Senate and the House. This resolution has passed the Senate but there is doubt as to whether it will be passed.

The attitude of Detroit officialdom was originally antagonistic to the resolution but upon sober second thought several Detroit representatives have expressed an opinion that the city has nothing to conceal and that an investigation would be welcome if it were sincere and not designed as a muckraking joy ride for a few upstate members of the legislative body.

On the whole, however, the explosion in the press as a result of Mr. Vollmer's charges and the talk of legislative investigation, whether it happens or not, may serve as a background for a revised criminal code to be introduced by the Michigan Crime Commission. There is no question but what a general discussion has stimulated a renewed interest in the crime situation and that the bills proposed, many of which have considerable merit, will receive a more favorable consideration in consequence.

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New Home Rule Amendment Proposed for Two New York Counties.—One of the weaknesses in the proposed Westchester county charter, which was defeated at the polls in 1925, and of

the revised draft which was vetoed by Governor Smith in 1926, was the failure to provide any local control over future amendments, or any protection against charter tinkering by the legislature. The amendment to the constitution adopted in 1921 which authorized the legislature to provide new forms of government for Westchester and Nassau counties required the approval of the electors before a new charter could go into effect, but permitted the legislature to amend or modify a new plan after its adoption. Realizing that the weakness in the government of counties, as in that of cities, was to be found largely in the ease with which special laws dealing with local affairs could be passed through the legislature, opponents of the proposed charters felt that some safeguard against charter tinkering should accompany any new charter.

In order to meet this need, the Westchester County Civic Association has prepared a proposed addition to the amendment of 1921. It was felt that it would not be practicable under existing circumstances to prevent the legislature from adopting any necessary legislation relating to counties, nor to transfer to the county authorities themselves a substantial portion of the legislative power over local affairs, as has been done with respect to cities by the city home rule amendment. The proposed amendment seeks rather to give to counties protection against hasty or secret special legislation similar to that contained in the home rule provision contained in the constitution of 1894. Under the amendment now proposed, after the adoption of a new form of government by Westchester or Nassau county, any special or local law affecting those counties or either of them can go into effect only after having been submitted to the board of supervisors or other governing elective body of the county, following a practice similar to that formerly employed in the case of special city bills. The board of supervisors must give a public hearing. Action on behalf of the county is to be taken by the board of supervisors or other governing elective body of the county, and if under the new charter there is an executive head, the concurrence of the executive head is also required. If the bill is not thus accepted it cannot go into effect without approval by the voters of the county at a referendum. If the bill is accepted by the county authorities, it is submitted to the governor and if signed by him goes into effect, unless within sixty days a petition protesting against it is filed, bearing the signatures of electors to the number of five per cent of the vote cast for governor at the last election. The optional referendum provision is modeled on the provision of the city home rule law.

In this manner the people of the county are secured the right to a hearing on every proposed measure; and while noncontentious proposals can readily be adopted by the legislature with the approval of the board of supervisors and of the governor, without the cumbersome and expensive requirement of a referendum on every measure, any bill encountering substantial opposition must be approved by the people before it can become a law.

Laurence A. Tanzer.

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Administrative Reorganization in Missouri.—A bill, called "the administrative code of Missouri," was recently introduced in the legislature of that state. It provides for the reorganization of most of the statutory administrative machinery of the state government. The following nine departments are to be created: agriculture; conservation and development; taxation, revenue and disbursement; health; industry and labor; trade and commerce; public welfare; highways; and military. In addition there is to be created an administrative board, consisting of the governor as chairman, four department heads designated by the governor, the attorney general, the secretary of state, and the state auditor.

The heads of the proposed departments are to be variously constituted. The existing state highway commission is to be the head of the highway department. The military department is to be headed by the adjutant general. The heads of the other seven departments are to be known as "directors." The director of agriculture is to be appointed by the state board of agriculture for a term of four years. This board is to consist of one member from each congressional district appointed by the governor with the consent of the senate for terms of six years each. The dean of the college of agriculture is to be ex officio a member of the board. The directors of the remaining departments are to be appointed by the governor with the approval of the senate for the same term as that of the governor (four years).

The director of taxation, revenue and disbursement is to be chairman of the tax commission of three members, the other two members being appointed by the governor with the ap-

proval of the senate. This commission is to be attached to the department of taxation, revenue and disbursement. There is to be a workmen's compensation commission of three members appointed by the governor with the approval of the senate, which is to be associated with the department of labor and industry without control by the head of this department. A public service commission consisting of five members is to be associated in much the same manner with the department of trade and commerce. There is to be an advisory board of geology and mines in connection with the department of conservation and development; an advisory board of health in connection with the department of health; and an advisory board of public welfare, and an advisory board of charities in connection with the department of public welfare. The members of these boards are to be appointed by the governor with the approval of the senate.

The administrative board is to have authority to make expenditures not definitely authorized by the legislature to meet deficiencies and emergencies. The need for such a board is not apparent, unless it is to tie the constitutional administrative officers into the reorganization plan. Generally speaking, such arrangements have not been very successful.

Provisions for the preparation of a state budget are included under the proposed department of taxation, revenue and disbursement. At the present time the state government is without a budget system. A centralized purchasing system is also provided for under this department. The financial sections of the bill are quite extensive and, from a casual examination, seem to be in the right direction. Aside from the financial provisions, few innovations are to be found in the bill. It may be noted that the registration of professions and trades is to be centralized under the proposed department of health after the manner of Illinois.

While the organization provided in the proposed bill is not everything that could be hoped for in many of its details, it is safe to say that if it is enacted into law, it will be a large improvement over the present arrangement. If adopted, it remains to be seen whether or not it will cut down the operating cost of the state government or reduce the number of state employees. However, the financial methods proposed by it should be of great value to the state, if properly installed and carried out.

A. E. Buck.

Is Detroit's Municipal Street Railway a Costly Experiment? — The following excerpts from a letter to the editor of a newspaper, which had asserted that Detroit's street railways were a costly experiment, will be of interest to many readers.

It is not true, as stated in your editorial, that "instead of a source of revenue for the city treasury, as they formerly were, the Detroit Street Railways now draw from the treasury the money required for interest and sinking fund on the $24,000,000 in bonds voted and issued for the purchase of them." If it be added that the department of street railways first puts into the city treasury all the moneys paid out on account of interest and sinking fund on the street railway debt, as well as for all other street railway expenditures, the statement will be complete and correct.

The total interest and sinking fund charges in the Detroit city budget for the year ending June 30, 1927, are $16,740,000. Of this total, $2,043,000 is for street railway debt, and the interest and sinking funds are reinbursed for this amount by the department of street railways.

The following general observations relative to the Detroit ownership and operation of street railways are pertinent:

1. The department of street railways is wholly self-supporting.
2. The department has been self-supporting since the lines first operated as a complete street railway system.
3. The accounts are kept in accordance with the Interstate Commerce Commission's classification for electric railways. This is not mandatory for a strictly municipal system, but the uniform classification was adopted by the street railway commission to assure completeness in accounts, as well as to permit of comparisons with other street railway lines.
4. The books of account and record are audited annually by a firm of certified public accountants. Copies of this report up to 1926 verify the statement that the system is wholly self-supporting, and in no wise a drain upon property taxes for one penny for any purpose.[1]
5. These audit reports show that the department has had an annual surplus. Indeed, the

[1] Following the preparation of this statement, the audit of Price, Waterhouse & Company for the year ending June 30, 1926, was released, and reported a deficit of $453,940. At the same time, W. A. Hauser, D. S. R. auditor, released a report, giving a net surplus of $613,379. These two audit reports differ in a wholesome manner, in almost every phase of accounting,—amount of net income, handling of depreciation, sinking fund requirements, amount of taxes paid, etc. The D. S. R. board of commissioners has agreed that after the first of the year the two reports shall be reconciled, or other auditors be called in.

equity of the city in the D. S. R. today is in excess of $10,000,000, after only four and one-half years of municipal operation, and after all charges of whatsoever kind have been made. The city's investment is slightly in excess of $50,000,000.

6. The department pays general property taxes, the same as if privately owned, to the city of Detroit, to Wayne county, and to the state of Michigan, on an assessed valuation of $28,000,000. Taxes are an item of expense exceeding $700,000 annually.
7. The department pays out of fares, as stipulated by the city charter: (a) operating and maintenance expenses, including paving and watering between the tracks; (b) taxes on the physical property of the entire street railway system, the same as though privately owned; (c) fixed charges; and (d) a sufficient amount to establish a sinking fund upon a 4 per cent annuity basis upon its $24,000,000 of bonded indebtedness. In addition to these expenses, the department is retiring a purchase contract of $19,850,000 at the rate of $1,000,000 annually, and setting up an additional fund to pay a balance of $7,580,000 on this contract on December 31, 1931.
8. The department has set up a depreciation reserve, 3 per cent per year on the book value of depreciable property.
9. The department is meeting these expenses with a six cent fare, or nine tickets for 50 cents, and one cent extra for a transfer.

There is much more that might be said about the financial conduct and status of the department of street railways of Detroit, and the details are readily available to those requesting them. The foregoing summary statement, however, discloses a financial story of a street railway which cannot be equalled by any privately owned system in the country. So far as the financial conduct of the Detroit street railways is concerned, it may be questioned whether the public regrets its venture." No mention is made of service.

Of course, to assert that Detroit's street railways have been on a sound financial basis for four and one-half years is not to predict that they will always remain so, although with the substantial reduction in debt service that result seems likely. Further, because municipal ownership and operation of street railways in Detroit has proved a financial success, it is not assumed that public operation in any other city would prove a success. Local circumstances must be taken into account.

Whether "Detroit is beginning to regret its venture into public ownership of utilities"—so that other cities may profit by its costly experiment, as your editorial suggests—may be ascertained accurately only by a referendum of the question. Certain gauges, however, may be read in the following referenda:

April 5, 1920—To acquire street railway system, and issue bonds not to exceed $15,000,000 therefor,—Yes, 88,585; No, 50,776.

April 17, 1922—To make additions and betterments to street railway system, and issue bonds not to exceed $4,000,000 therefor,—Yes, 55,654; No, 12,174.

April 2, 1923—To make extensions, additions and betterments to street railway system, and issue $5,000,000 bonds therefor,—Yes, 74,160; No, 45,699.

As evidence that Detroit hasn't a "transportation complex," a passing glance at the other utilities is of interest.

On August 31, 1920, the people voted, 55,468 for and 12,498 against, issuing $12,000,000 water supply and filtration plant bonds. On November 2 of this year, the people approved, by a vote of 73,386 yes and 33,161 no, an issue of $30,000,000 for water supply and distribution purposes.

On April 2, 1923, the people approved, by a vote of 74,026 for, and 43,065 against, the proposition of constructing a municipal electric power plant, authorizing a $12,000,000 bond issue for same.

The people have, upon two occasions, approved the principle of the city of Detroit acquiring rapid transit facilities and a plan of financing same by taxes at large, bonds, and special assessments. The last vote upon the proposition, November 3, 1925, was Yes 141,991, and No 51,332.

I have volunteered the foregoing facts about Detroit's municipal operation of public utilities, not as a proponent of municipal operation, but as one who is interested in getting the "facts to the folks." It is upon this basis that the Detroit Bureau of Governmental Research has functioned for the past ten years, and we are wholly willing that other cities should judge Detroit in the light of accurate knowledge of its public affairs.

C. E. Rightor.

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Proposed Minnesota Bond Law Compared with League's Model.—It is interesting to note the difference in the provisions of the proposed Bill to Regulate Municipal Bond Issues in Minnesota, as adopted and endorsed by the League of Minnesota Municipalities, and those of the Model Bond Law as formulated by the National Municipal League's Committee on Municipal Borrowings. In the Minnesota proposal, special care seems to have been exercised to exclude from its provisions on net debt, debt limits, and referendum, those cities operating under home rule charters. The Model Law is designed to cover all municipalities in the state.

The Minnesota proposal puts the control of retiring the debt in the hands of the county auditor, whereas the Model Law puts entire control, including granting permission to sell bonds, in the state auditor's office.

The Minnesota proposal sets debt limits on municipalities not operating on home rule char-

ters. The Model Law omits limits from its provisions, its framers believing that such determination is better taken care of by constitutional enactment. The Minnesota limit of 20 per cent of the assessed valuation for school purposes, might make a tax of over fifteen dollars a thousand to defray school debt charges alone. This seems unreasonably high.

The net debt as defined by the Minnesota bill excludes all special assessment bonds, whereas the Model Law excludes only those special assessment bonds which are not backed by the credit of the municipality. In addition, the Minnesota bill excludes water, lighting, heating, and power bonds from the net debt. The Model Law carefully provides for a set up of net debt, segregating self-supporting utilities and special assessments from the other obligations of the municipality.

The provision in the Minnesota bill for retiring the debt seems to be in excess of actual requirements [1] and make necessary an involved system for handling the surplus. This provision would allow revenue received from municipally owned utilities to apply on the interest and retirement of general obligation bonds. The Model Law applies revenues of municipally owned utilities to retirement of their own bonds only; any excess of revenues over operation charges including debt service to be used in reduction of rates rather than in reduction of taxes.

No provision for retirement or refunding of existing bond issues is contained in the Minnesota bill. The Model Bond Law sets up methods of retiring present indebtedness and provides for refunding under certain conditions.

The Minnesota bill defines no limits on interest, no detailed procedure for enacting bond ordinances, has no provision for advertising or sale of bonds, or for registering bonds after sale, and no mention of place or places of payment. The Model Law covers all these points. Thus it would seem possible to strengthen the Minnesota proposal in several points. Some definite procedure could be outlined to take care of present indebtedness; control of debt could probably be better administered in the state than in the county government; and some definite procedure on ordinances, advertising and sale, could properly be made.

JOHN RAE.

[1] A later revision of the Minnesota bill reduces the mandatory annual tax from 25 to 5 per cent in excess of the amount needed to meet annual debt services.

Virginia Proposes Reorganization at a Special Legislative Session.—Governor Harry F. Byrd has called a special session of the legislature to meet on March 15. It will consider a program of state reorganization requiring both constitutional and statutory changes. A committee under the chairmanship of Judge Prentis is preparing the constitutional amendments. A citizens' committee of 38 members, of which William T. Reed is chairman, has just issued (February 14) a report to Governor Byrd recommending the consolidation of state agencies into 11 major administrative departments and the adoption of the short ballot. The proposed departments, in addition to the governor's office, are finance, taxation, highways, education, corporations, industrial relations, agriculture and immigration, conservation and development, health, public welfare, and law. Some of these departments are headed by single officers; others by boards. Of the 80 odd existing administrative agencies, about 28 are abolished through the consolidation. The most far-reaching proposal of the committee is its recommendation for the reconstruction of the entire financial structure of the state government. The committee says: "This is regarded as fundamental, and the present lack of it is considered the outstanding defect in the governmental machinery."

The Reed committee states that its recommendations are based upon a "most comprehensive and complete" report recently made by the New York Bureau of Municipal Research. However, it says that it has not followed this report in all of its proposals. The report of the Bureau is to be printed and each member of the legislature will be supplied with a copy before the opening of the special session. If its plan is adopted, the committee forecasts an annual saving of over $500,000 in the operating costs of the state government.

Parking No Aid to Merchants, assets F. C. Fox of the A. I. Namm Company, Brooklyn, in an address reported in the *Electric Railway Journal:*

"The merchant today is seriously interested in the transportation problems. First, I think, I ought to indict the merchant as being guilty of producing a great part of the present traffic congestion. The downtown shopping district has become an institution. A number of large department stores have been established in one section. We spend millions of dollars annually to bring people to that section from all the outly-

ing districts. We have created this vast movement and, having built up this tremendous congestion, now we are crying for help.

"It is not quite right to say that the merchant is selfish and wants his customers to park around the store and in the streets adjoining the store, because he doesn't. We made a check recently to ascertain what benefit we received from the automobiles parked around our place of business. We front on Fulton Street, which, of course, is a two-track street. The rear is on Livingston Street which is likewise a two-track street. We found in the check-up that 75 per cent of our customers came to the district via subway or elevated, 24 per cent arrived by surface cars and 1 per cent presumably walked or came by automobile.

"There were 118 automobiles parked from 9 o'clock in the morning until 5 o'clock in the afternoon on Livingston and Hoyt Streets and Elm Place. From those 118 cars 80 customers came into the store, and just think what those 80 customers did to traffic on Livingston Street. They practically eliminated all of the road area except that section of it on which the surface cars were operating, so that these 118 automobiles impeded thousands of people.

"We do not desire that condition and we are going to do our part to eliminate it. Congestion that we have helped to create is now undoubtedly seriously interfering with our business. It has become such a serious problem that when the department of commerce recently sent out a questionnaire to practically every merchant in so-called downtown shopping districts, these merchants agreed that this congestion is interfering with traffic so seriously that unless something is done the downtown shopping district will soon be a thing of the past."

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City Manager Government Shows Continued Economies.—For the fifth consecutive year the city manager form of government has succeeded in cutting the per capita cost of operation and maintenance of the city government of Kenosha, Wis.

The per capita cost for 1926 was $20.15, compared with $20.81 for the previous year. The figures are for all expenditures, including capital outlay, and account for cutting the city's tax rate from 30 mills to 29 mills.

In 1921 the per capita cost was $27.75. This was the last year of the aldermanic form of government and the year when the city manager form of government was adopted.

Since that time the per capita cost has steadily decreased as follows:

1922	$26.51
1923	22.95
1924	22.23
1925	20.81
1926	20.15

Readers will recall that Kenosha was awarded first prize in the Better Cities Contest conducted last year by the Wisconsin Conference of Social Work. C. M. Osborn is city manager.

✻

The Newport City Manager Charter, described by Mr. Cottrell in this issue and approved by the people last November by a vote of 5,020 to 1,865, is in serious risk of mutilation by the city council. To become effective the charter must be passed by the legislature and it was assumed that the city council would automatically transmit it to the General Assembly in the form in which the people approved it. But the council, elected under the Lawton charter which was forced upon the people of Newport without their consent and over their protests by the last legislature, is a strictly partisan body and seems to have started its career by bottling up in committee the resolution asking the assembly to enact the manager charter. To date they have refused to report the resolution and are planning a series of hearings, evidently to work up popular enthusiasm for amending the charter in important details.

Doubtless the political group opposing the charter hope by these methods to bring supporters of manager government into hopeless division and thus relieve the legislature of its obligation to give the charter the force law.

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The Citizens' Research Institute of Canada estimates that the total taxes levied by all governmental authorities in Canada in the year 1924 amounted to 18.6 per cent of the net production of all industries for this period. This compares with the proportion of 19.7 per cent in 1923, 20 per cent in 1922 and about 14.9 per cent in 1913. The year 1924 showed a decrease in total taxation amounting to 5 per cent over the year 1922. The decrease, however, occurred entirely in the field of dominion taxes. Both provincial and municipal taxes showed increases. It would thus seem that the course of taxation in Canada is following the same lines as in the United States.

In Canada the three provinces showing the highest proportion of taxation to net production are Saskatchewan, Manitoba and British Columbia in the order named.

✻

Norfolk's Municipal Market Pays.—The Norfolk municipal market, costing $521,000 and now in its fourth year of operation, is paying dividends. Operating and debt charges total

about $65,000, while revenue approximates $74,000 per annum leaving almost $10,000 to be turned into the city treasury. It is expected that the $500,000 bond issue will be paid for out of revenue within twenty years. High tribute to the sanitary conditions maintained is paid by a writer in the *Monthly Labor Review*. Prices are about the same as charged in the stores, but in the farmers' curb market adjoining the Market building prices are somewhat lower.

Readers interested in the layout of the building and the regulations enforced should refer to the NATIONAL MUNICIPAL REVIEW for March, 1925, and to the article in the *Monthly Labor Review* of December, 1926.

⚜

Jockeying with Assessments.—The county assessor's appetite for reducing property assessments is again making trouble for the city manager of Knoxville. It will be recalled that when Louis Brownlow was city manager, assessments, which are in the control of the county assessor, were reduced thus forcing the municipal tax rate to rise from $2.10 to $2.44. Due to another reduction in assessments, the city council will probably be compelled again to increase the rate to as much as $2.90, although there is no considerable increase in the budget. It is likely that the Tennessee legislature will pass an amendment to the Knoxville charter giving the city its own tax assessor and compelling it no longer to be the victim of county politics.

⚜

The Voters of Missouri at the last election adopted a constitutional amendment authorizing pensions for policemen, their widows and minor children, and it is the task of the 1927 legislature to provide enabling legislation to carry the amendment into effect. Under the terms of the amendment the general assembly may enact a pension scheme for the cities or may authorize any municipalities to provide its own by ordinance. The provision prohibiting any grant or extra compensation to a municipal official after the service had been rendered made it necessary to revise the constitution before a proper pension system could be adopted.

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Present Indications are that the effort to repeal the direct primary in New Jersey with respect to the nomination of candidates for United States senator, congressman and governor, has failed. It also seems clear that the movement to abolish the direct primary in Pennsylvania will come to nothing. Both Governor Pinchot in his farewell message to the legislature and Governor Fisher in his inaugural address strongly supported the primary.

⚜

The City Plan Committee of the Civic Club of Allegheny County (Pittsburgh) has produced a program for the development and extension of Pittsburgh's planning system. The program urges the careful preparation of plans with estimates of costs before further money is spent. The committee recommends particularly that no new sites be acquired until existing sites are brought to the point of complete primary development, nor until accurate sketch plans with cost estimates have been drawn up.

⚜

Welwyn Garden City has made application to the Hertfordshire County Council for an order elevating it from the status of parish to an urban district with a council of fifteen members. This move calls attention to the continued success and growth of Welwyn Garden City. In October 1921, the estimated population was 896; at present it is 4,077. In October 1921, one hundred and ninety-eight houses had been completed. At present the number is 1,331. The rateable value October 1921 was 13,266 pounds; at present it is 38,975.

The formal application for urban powers is an interesting document illustrating the methodical manner in which a municipality of a lower order is advanced to a higher order in England.

⚜

Secretary Fleming Resigns.—Our readers will regret to learn that Herbert E. Fleming who for several years has been serving most energetically as the secretary of the Chicago City Club has resigned to reënter private business.

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By the Overwhelming Vote of 985 to 34 the Chamber of Commerce of Toledo has approved a report favoring city manager government for that city.

⚜

Chinese Local Government Before Christ.—The Bureau of Municipal Research of Kiangsu, China, has issued a report on China's local government under the Chow dynasty—1122 to 2255 B.C.